

March 16, 1946.

Mr. D. W. Doyle
County Attorney
Pondera County
Conrad, Montana.

Dear Mr. Doyle:

You have requested my opinion concerning the following facts:

Pondera County has been divided into high school districts under the provisions of Section 1301.1 to 1301.6, Revised Codes of Montana, 1935, as amended; School District No. 10, previous to the decision maintained a district high school, and the high school district of which district No. 10 is a part proposes to issue bonds.

In your request for an opinion you called attention to Opinion No. 6, Volume 21, Report and Official Opinions of the Attorney General, which held that Section 1301.1 to 1301.6, Revised Codes of Montana, 1935, were enacted as Chapter 47 of Ex. Laws of 1933, and that the act was passed as an emergency measure. The facts under consideration in the above opinion differ from those presented here in that it was there proposed to create high school districts. Your county has already been divided into high school districts and the districts once created continue to exist under the statute with the powers granted to them at the time of their creation.

Chapter 47 was enacted for the purpose of aiding a building program and to take advantage of federal aid. The districts created were given the power to incur indebtedness and there was no limit to the time for the exercise of this power. Indebtedness by the issuance of bonds may still be incurred by the district.

It is therefore my opinion that a high school district which was heretofore created under the provisions of Sections 1301.1 to 1301.6, Revised Codes of Montana, 1935, as amended, has the power and authority to issue bonds for construction purposes.

Opinion No. 135.

Schools and School Districts—High Schools—Bonds, High School.

Held: A high school district which was heretofore created under the provisions of Sections 1301.1 to 1301.6, Revised Codes of Montana, 1935, as amended, has the power and authority to issue bonds for construction purposes.

Sincerely yours,

R. V. BOTTOMLY,
Attorney General