

## Opinion No. 72

**Schools—Abandoned School District,  
Annexation of—Abandoned School  
District, Liability of—Bonded  
Indebtedness, Responsibility for**

**Held:** The territory of a school district which is attached to another school district by reason of abandonment in accordance with the provisions of Section 970, Revised Codes of Montana, 1935, as amended, is not liable for the bonded or warranted indebtedness of the school district to which the abandoned district is attached.

October 20, 1947

Mr. E. W. Popham  
County Attorney  
Dawson County  
Glendive, Montana

Dear Mr. Popham:

You have requested my opinion concerning the liability of a school district which was annexed to another district for the bonded or warranted indebtedness of the latter district. You advised me that the district which was annexed was an abandoned district within the meaning of Section 970, Revised Codes of Montana, 1935, as amended by Chapter 168, Laws of 1943.

Under Section 970, Revised Codes of Montana, 1935, as amended by Chapter 168, Laws of 1943, the property of such abandoned district would be liable for any indebtedness of the district and the property of the district to which the abandoned district was

attached, would not be liable. This section is silent as to the liability of the abandoned district for the debts of the district to which the abandoned district is attached. Analogous situations arise in the creations of new districts or the consolidation of districts which come within the provisions of Section 1029.1, Revised Codes of Montana, 1935. This last section limits the liability for bonded indebtedness to the original territory against which such bonds were issued.

In Opinion No. 91, Volume 15, Report and Official Opinions of the Attorney General, this office considered the liability of the territory of an abandoned district for outstanding bonds of the district to which the abandoned district was annexed and held that the territory of the abandoned district could not be subjected to a tax levy for the payment of the bonds. Many cases were cited and reference is made to the opinion for the reasoning found therein.

It is, therefore, my opinion that the territory of a school district which is attached to another school district by reason of abandonment in accordance with the provisions of Section 970, Revised Codes of Montana, 1935, as amended, is not liable for the bonded or warranted indebtedness of the school district to which the abandoned district is attached.

Sincerely yours,  
R. V. BOTTOMLY,  
Attorney General