

**Opinion No. 91****Schools and School Districts — School Site, Meaning of — Bond Elections, Construction of School Authorized by**

**Held:** An elementary school may be constructed adjacent to an existing elementary school and on the same site after the qualified electors of a third class school district have authorized the construction of a new elementary school at a bond election, without the necessity of an election to designate the site for the new building.

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February 10th, 1950.

Mr. Walter T. Murphy  
 County Attorney  
 Mineral County  
 Superior, Montana

Dear Mr. Murphy:

You have requested my opinion concerning the necessity for an election for a school site in a third class school district. You advise me that bonds were authorized at an election to construct a new elementary school building and the trustees propose to construct it adjacent to the old elementary school and the two are to be connected.

The construction of the new elementary school on land which is a part of the location of the old elementary school will not result in a change of the school site. This office, in Opinion No. 118, Volume 21, Report and Official Opinions of the Attorney General, quoted with approval from 58 C. J. 740 the definition of "site" as follows:

"A plot of ground suitable or set apart for some specific use; a seat or ground plot. The term does not of itself necessarily mean a place or tract of land fixed by definite boundaries."

From the above quoted it is reasonable to interpret the use of the word "site" in our codes as meaning a general location for a specific purpose. The site for the old elementary school was selected by the qualified electors in accordance with Section 75-3101, Revised Codes of Montana, 1947, which provides for the election in school districts of the third class. *Nichols v. School District No. 3*, 87 Mont. 181, 287 Pac. 264.

The question submitted to the electors in the bond election recited that the bonds were to be issued "for the purpose of constructing a new grade school building." Sub-section (a) of Section 75-3901, Revised Codes of Montana, 1947, is the authority for the submission of such a question and the site having been previously selected, the new building may be constructed on the site.

If a new site had been contemplated by the trustees or the electorate an independent election could be held for the determination of such question under the procedure set out in Section 75-3101, Revised Codes

of Montana, 1947. As no such question has been presented there is no need for an election.

It is therefore my opinion that an elementary school may be constructed adjacent to an existing elementary school and on the same site after the qualified electors of a third class school district have authorized the construction of a new elementary school at a bond election, without the necessity of an election to designate the site for the new building.

Very truly yours,  
ARNOLD H. OLSEN,  
Attorney General.