

Opinion No. 32**Schools and School Districts—Use of
High School District Bond Funds
—Site and Location of
High Schools.**

HELD: A high school building financed by bonds issued by a high school district, may be constructed on land owned jointly by the county high school and a school district.

August 4, 1955.

Mr. Edwin T. Irvine
County Attorney
Granite County
Philipsburg, Montana
Dear Mr. Irvine:

You have requested my opinion as to whether a new high school building financed by bonds issued by the high school district may be built on land owned jointly by the county high school and a school district.

High school districts, as provided in Section 75-4605, R.C.M., 1947, are established for construction, repair, improvement and equipment purposes only. This law was enacted to provide an additional method of borrowing money. High school districts are not operating units of our school system and do not have budgets for the maintenance of the schools constructed from the proceeds of high school building district bonds. In *Pierson vs. Hendrickson*, 98 Mont. 244, 38 Pac. (2d) 991, the court approved the expenditure of funds realized from high school district bonds on the county high school and said:

“Nor is it of controlling importance that the improvements contemplated are to be made on the county high school building, legal title to which is in the county. The county, in the management of the county high school, is simply the agency of the state for that purpose. . . . The beneficial title of the school property is in the state.”
(Cases Cited.)

From the above quoted it must be concluded that the fact that the beneficial title to school property is

in the state permits the use of high school district funds on property of the county high school. In *Habel vs. High School District "C"*, Mont.,....., Pac. (2d), 12 St. Rep. 170, it was held that lots acquired by the trustees of a school district as the site for a high school financed by bonds issued by the high school district may be used as a proper location for the construction of the new high school building.

As a high school district is organized primarily for raising construction funds, there are no statutory restrictions on the uses of the funds. However, the money realized from bonds must be used for high school purposes and the title to the land where the building is located is not material so long as it is school land.

It is therefore my opinion that a high school building financed by bonds issued by a high school district, may be constructed on land owned jointly by the county high school and a school district.

Very truly yours,
ARNOLD H. OLSEN
Attorney General