

**Board of School Trustees—Authority to Pay Expenses of Teachers While Attending a Meeting of State Teachers' Association.**

Section 241 of the Laws of 1921 construed not to give authority to the Board of School Trustees to pay expenses of teachers authorized, by resolution, to attend a meeting of the State Teachers' Association.

Miss May Trumper,  
Superintendent of Public Instruction,  
Helena, Montana.

My dear Miss Trumper:

You have requested an opinion upon the question whether a Board of School Trustees may pay the expense of a teacher to the meeting of the State Teachers' Association.

Section 1 of Chapter 241 of the Session Laws of 1921 provides:

"Hereafter no state, county, city or school district officer or employee of the State, or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting or other gathering of public officers, save and except for attendance upon such conventions, meetings or other gatherings as said officer may by virtue of his office be required by law to attend. Provided, that nothing herein shall prohibit the State Board of Examiners from authorizing the payment of the necessary traveling expenses of any state officer or employee, whenever in the judgment of said Board public interest requires, and provided further that the Board of Trustees of any county high school or of any school district may by resolution adopted by a majority of entire board authorize any employee of such board to attend meetings called for the express purpose of considering educational matters."

It will be observed that the first proviso permits the State Board of Examiners to pay traveling expenses of a State officer or employee when in their judgment public interest requires it, while the second proviso only permits Trustees of County High Schools and District Schools to authorize attendance of employees at meetings called for the express purpose of considering educational matters, but says nothing about paying their expenses. It would seem clear that, if the legislature intended to have the High School or District Board pay the expenses as it authorized the Board of Examiners to do, it would have said so. It having remained silent, the only fair inference is that they did not intend any more than that such boards might authorize attendance upon such meetings, and presumably draw their usual compensation.

It is, therefore, my opinion that the second proviso does not authorize the payment of expenses of those who are authorized by resolution to attend these meetings.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.