

Trustees—Rural School District—Traveling and Other Expenses of—Payment From County General Fund.

The traveling and other expenses of the Rural School District Board may not be paid out of the General Fund of the county, but must be charged to the rural school district.

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

My dear Miss Trumper:

You have asked to be advised whether traveling expenses and other expenses of a Rural School District Board can be paid from the General Fund of the county.

Aside from calling an election for the creation of a rural school district upon petition of a certain number of residents of third-class districts, and certain duties connected with the levying of taxes, the Board of County Commissioners have practically no duties or authority in connection with rural school districts, the relation of the county to rural school districts being the same as to school districts of any other kind or class. The right to pay out county funds for school district purposes is equally non-existent in both cases. There is no authority in law for paying the expenses of school districts from the General Fund of the county.

The Rural School District Act was probably copied largely from the law of some state in which the county is a school district unit, as is indicated by the term "county unit" appearing in the form of ballot to be used in elections for the establishment of same. It is probably due to this fact that no provision is made in the Act for paying the expenses, or the honorarium allowed the Rural Board, out of district funds. However, it must be presumed that they have such powers as are necessary to enable them to function as a Board, and it would, therefore, seem that they have authority to provide in the general budget for necessary expenses incurred by the Board, as well as for the \$50 honorarium which the law allows them. Warrants could then be drawn against the fund for such expenses as are necessarily incurred in conducting the business of the rural school district, and for the honorarium.

It is, therefore, my opinion that the expenses of the Rural School District Board may not be paid out of the General Fund of the county, but that the same must be charged to the Rural School District.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.