

Teachers' Retirement Fund—Salary—Deceased Teacher.

The retirement salary of a teacher, who dies during a quarter before the retirement salary is due, should be paid that portion of the quarterly salary represented by the fractional part of the quarter up to the time of her death.

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

My dear Miss Trumper:

You have inquired whether the retirement salary of a teacher, who dies during the quarter before the retirement salary is due, shall be paid to her estate for the fractional part of the quarter up to the time of the death or for the full quarter, or whether no payment at all should be made.

Section 1125, Revised Codes of 1921, provides, in part, as follows:

“Upon retirement, such teacher shall be entitled to receive during life an annual retirement salary of six hundred dollars, payable in installments quarterly by warrants drawn as provided in this Act;” * * *

While the salary is payable in installments instead of annually, it is nevertheless an annual salary. However, I do not believe it was the intention of the Legislature to pay any part of this salary, except during the life of the teacher, and it is, therefore, my opinion that you should pay to her estate that portion of the quarterly salary represented by the fractional part of the quarter up to the time of her death.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.