

Board of School Trustees. Sinking Fund, Money to the Credit Of. Power and Authority of Board of School Trustees to Direct the Investment Of. County Treasurer, Duty Of When Required by the Board of School Trustees to Invest Such Moneys. Investment, Character Of.

Under the provisions of Section 1967, Political Code, a Board of School Trustees have the power and authority to direct the County Treasurer to invest the moneys on hand to the credit of a sinking fund, or any part thereof, in state or county bonds or warrants.

Helena, Montana, Jan. 10, 1908.

James E. Murray, Esq.,
County Attorney,
Butte, Montana.

Dear Sir:—

I am in receipt of your favor of the 6th inst., asking opinion from this office as to the power and authority of the Board of School Trustees to direct the investment of money on hand to the credit of the Sinking Fund of School District No. 1, Silver Bow County, for the redemption of bonds which become due and payable in 1910. You say that there is on hand to the credit of this fund in the neighborhood of \$80,000.00, and that the Board is desirous of investing a portion of this amount for the purpose of securing some return by way of interest, and has asked for advice respecting their authority to require the County Treasurer to invest said money in county bonds or warrants other than those issued by Silver Bow County. This law (Sec. 1967. Pol. Code.) seems very clear and broad as to the power and authority of a board of school trustees in the premises, and by its terms the Board is authorized to direct and require the County Treasurer to invest such Sinking Fund, or any part thereof, in State or County Bonds or Warrants until the redeemable period. No limitation being placed upon the character of bonds or warrants further than they shall be state or county bonds or warrants you are advised that there is no objection to the Board entering an order on its minutes authorizing the investment of such funds in bonds or warrants other than those issued in Silver Bow County.

Yours very truly,

ALBERT J. GALEN,
Attorney General.