

**Library Fund, School District Library Fund. Treasurer of County to Account for. Fund, Library, How Determined.**

The school district library fund must be definitely determined before the county treasurer can be required to keep the same separate from other moneys belonging to the district. Methods suggested for determining amount.

March 21, 1913.

Hon. H. A. Davee,  
Supt. Public Instruction,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 14th instant, submitting the question:

"Can a county treasurer be required to keep separate account of the library apportionment belonging to the several school districts in the county?"

House Bill No. 129 of the 13th Legislative Assembly declares that "a library fund is hereby created." Sec. 1201 of that bill contains the provision that

"the library fund shall consist of not less than five or more than ten per cent of the county school fund annually apportioned to the district,"

but not any authority appears to be specifically vested in anyone to determine just what percent or amount of money shall be set aside as constituting the library fund. The fund being created by law, however, it is the duty of the treasurer to carry it as such and therefore separate from other funds as soon as the amount thereof is determined in some lawful manner. It seems to be the spirit of the law that the trustees of the various districts should make this determination, and if the law is operative at all this determination should be made either by the trustees or by the school district at its annual election. I therefore suggest that one of these methods be followed in determining the amount of this library fund, and that such determination be certified to the county treasurer.

This will constitute a basis on which to make a demand on the treasurer and to set aside this fund, and it is very probable that when this is done the treasurer will not raise any question respecting the authority of the board to determine the amount of the fund.

Very truly yours,

D. M. KELLY,  
Attorney General.