

Fund—Schools—State Treasurer.

The "general school fund" mentioned in Section 6 of Article XI of the Constitution of Montana and the "public school fund" mentioned in the preceding sections of said Article XI refer to one and the same fund, which is that created by Section 2 of said Article XI of the Constitution of Montana.

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

My dear Miss Trumper:

You have requested my interpretation of the meaning of the words "general school fund," as used in Article XI, Section 6, of the Constitution of the State of Montana.

The section referred to is as follows:

"It shall be the duty of the Legislative Assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the state, for at least three months in each year."

This section must be read in connection with the other sections of said article, the whole of which relates to the subject of education. Section 1 enjoins upon the Legislative Assembly the duty to establish

and maintain a general, uniform and thorough system of public, free, common schools. Section 2 makes provision for the "public school fund" of the state and enumerates the sources from which that fund shall be derived. Section 3 declares that the "public school fund" shall forever remain inviolate, and provides for its investment. Section 4 designates the board whose duty it is to direct, control, lease and sell the school lands of the state and other lands which may be granted to the support and benefit of the various state educational institutions. Section 5 provides that 95% of all the interest received on the school funds of the state, and 95% of all rents received from the leasing of school lands, and of all other income from the "public school funds" shall be apportioned annually to the several school districts of the state in the manner therein specified, and that the remaining 5% of all the interest received on the school funds of the state, and the remaining 5% of all the rents received from the leasing of school lands and all other income from the public school funds, shall annually be added to the "public school funds" of the state and become and forever remain an inseparable and inviolable part thereof.

When Section 6 is read in connection with these five preceding sections, it is at once apparent that the words "general school fund" used in said Section 6 are synonymous with the words "public school fund" as used in the preceding sections, and both terms have reference to the same fund, which is that created by Section 2. Under Section 5 of said article, 95% of the interest received from this fund and 95% of all rents received from the leasing of school lands and all other income from the public school funds are apportioned annually to the several school districts of the state, and it is in addition to this annual income that Section 6 requires the Legislature to provide by taxation, or otherwise, sufficient means to maintain a public, free, common school in each organized district in the state for at least three months in each year.

It is, therefore, my opinion that the "general school fund" mentioned in said Section 6 and the "public school fund" mentioned in the preceding sections of said article refer to one and the same fund, which is that created by Section 2 of said article.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.