

Fire Insurance—Premiums—Buildings—Northern Montana Agricultural School Fund—Funds—Policies.

Moneys in the Northern Montana Agricultural and Manual Training fund may be used to pay premiums on fire insurance policies and to construct buildings when none are otherwise provided, since this is for the support of the school.

Melvin A. Brannon, Esq.,
Chancellor,
Helena, Montana.

June 28, 1927.

My dear Mr. Brannon:

You have requested my opinion whether under chapter 66, laws of 1925, the money in the "Northern Montana Agricultural and Manual Training Fund" may be used to pay the premium on fire insurance placed on the buildings at Fort Assiniboine, and for the repairs and replacements of buildings.

It should be noted that chapter 66 of the laws of 1925 does not authorize the payment of the moneys in said "Northern Montana Agricultural and Manual Training Fund" for any purpose. However, by chapter 82 of the laws of 1927, section 921 was amended and specific direction made that the fund "shall be used for the support of said school." The word "support" has been held to mean the continuing regular expenditures for the maintenance of the school and that it does not embrace the matter of replacing or equipping buildings.

Sheldon v. Purdy (Wash.) 49 Pac. 230;
Mitchell v. Colgen (Cal.) 54 Pac. 905;
Roach v. Gooding (Idaho) 81 Pac. 642.

However, in the above cited cases it appeared that by other statutory provisions a means had been provided for raising funds to construct and equip buildings. As to the Northern Montana Agricultural and Manual Training School, no provision has been made specifically authorizing "the raising" of funds for constructing or equipping "buildings."

In case a school has not sufficient buildings to properly carry on the work for which it was designed, the construction and equipment of buildings is necessary in order to "support" the school. Furthermore, if it is deemed advisable to insure the buildings against loss by fire the premium paid on the insurance policy constitute expenditures for the "support" of the school just as much as do expenditures for the construction and equipment of the buildings at the outset when there has not been sufficient buildings otherwise provided for.

It is therefore my opinion that the moneys in the "Northern Montana Agricultural and Manual Training Fund" may be used for the purpose of paying premiums on fire insurance placed on buildings and

for the repair, replacement or equipping of buildings necessary to conduct, maintain and support a school.

Very truly yours,

L. A. FOOT,
Attorney General.