

Building Fund—Transfers—Budget—Reserve.

A transfer cannot be made from reserve to building fund of school district. Reserve can be created under section 1219 et seq. R.C.M. 1921.

Mr. E. P. Conwell,
County Attorney,
Red Lodge, Montana.

September 21, 1931.

My dear Mr. Conwell:

I have your request for an opinion regarding the building of a small barn by a school district of your county, the building to cost less than \$250.00.

It appears that there is \$165.00 in a building fund. You wish to know whether a transfer could be made from item 14 of the budget form to item 11. Item 14 refers to cash necessary to maintain school from July 1st to December 1st of the following school year. Item 11 of the budget form refers to the building fund.

A transfer cannot be made as between item 11 and item 14 for the reason that item 14 is a provision for cash reserve to maintain school from July 1st to November 30th of the succeeding year. No warrants drawn in the current year can be paid out of this fund either before or after it is transferred to the general fund, which is done July 1st of the succeeding school year.

Subdivision 11 covers "New Buildings and Alterations." New buildings cannot be constructed out of the general fund except as to the excess after provision is made for nine months school, and then only upon a vote of the people. A fund can be created under section 1219 et seq. R.C.M. 1921, and amendments thereto.

It is therefore my opinion that no transfer can be made from item 14 to item 11.

Very truly yours,

L. A. FOOT,
Attorney General.