

Oath—Professor—Instructor—Teacher—House Bill No. 67.

The oath required of every professor, instructor or teacher "who shall hereafter be employed" does not apply to those under contract of employment but applies only to re-employment and new employment.

Mr. Melvin A. Brannon,
Chancellor of University,
Helena, Montana.

February 19, 1931.

My dear Mr. Brannon:

You have requested an opinion relative to house bill No. 67, approved February 16, 1931. You wish to be advised whether the words "Every professor, instructor or teacher who shall hereafter be employed," etc.,

apply only to persons not in the employment of the University of Montana at the date of the approval of the act, but who later enter its employ, or do they apply to all persons (of the classes) named who are appointed or reappointed after the approval of the act, or do they apply to all persons (of the classes named) who are actually in the employment of the University of Montana at any time after the approval of the act, regardless of the time of the beginning of their employment.

The act is entitled: "An Act Prescribing the Oath or Affirmation to be Taken and Subscribed to by Teachers, Instructors and Professors in Public Schools, Normal Schools, Colleges and Universities of this State."

Section 1 relates to persons who apply for a contract, or any renewal thereof, to teach in any of the public schools of this state, while section 2 covers every professor, instructor or teacher who shall hereafter be employed by any university, normal school or college in this state, etc.

In my opinion, the words "who shall hereafter be employed" cover the first two classes included in your question, i. e., persons not now in the employ of the university but who later enter its employ, and also all persons now employed who are re-employed after the act takes effect. Neither section 1 nor 2, in my opinion, is intended to cover persons who at the time the law takes effect hold teaching contracts in either the public schools or the university, until their contracts expire and they are re-employed.

Very truly yours,

L. A. FOOT,

Attorney General.