

**Opinion No. 264****Schools—Budget—Warrants.**

HELD: The words "such warrants," as used in Sec. 1012, R. C. M. 1921, as amended by Chapter 162, Laws of 1933, refer to the proportion of the warrants which would be issued against moneys derived from tax levies only, and the 90% restriction does not apply to warrants which may be issued against cash on hand and revenue derived from other sources.

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July 5, 1933.

We acknowledge receipt of yours of June 14 requesting our decision as to the meaning of the 90% provision of Section 1012, R. C. M. 1921, as amended by Chapter 162, Laws of 1933. Said section is, in part, as follows: "Provided that the total of all such warrants issued during any fiscal year shall not exceed \* \* \* ninety per cent of the amount of all the taxes levied by such school district for the purpose of providing revenues for the current expenses for such fiscal year \* \* \*."

While the language of the Act might have been chosen more carefully, we think that the words "such warrants" refer to the proportion of the warrants which would be issued against moneys derived from tax levies only, and that the 90% restriction does not apply to warrants which may be issued against cash on hand and revenue derived from other sources.

Under such a construction the budget would be based upon (1) Cash on hand, less outstanding warrants chargeable against the same, plus (2) Revenue from other sources other than ad valorem tax levy, plus (3) Ninety per cent of the amount which would be produced by taxes levied, if such levy were paid in full.