

Opinion No. 161.**Appropriations—University of Montana—Students' Fees.**

HELD: House Bill No. 140 of the Twenty-sixth Legislative Assembly authorizes the institution to use student fees in addition to the specific amounts appropriated.

November 9, 1939.

Mr. H. H. Swain
Executive Secretary
The University of Montana
State Capitol Building
Helena, Montana

My dear Mr. Swain:

At some units of the University of Montana an unanticipated increase in enrollment has made it necessary to increase expenditures to carry on an adequate instruction program. The students are required to pay matriculation, registration, and certain other fees, and the income accruing to the university units from such fees has been increased in proportion to the increased enrollment. You have asked if the units of the university are limited to the specific sum named in the appropriation bill or if they can also use the income from student fees.

House Bill No. 140 of the Twenty-sixth Legislative Assembly appropriated money for the operation and maintenance of the Greater University of Montana. In Section 2 of said House Bill No. 140 specific appropriations are made in the following manner:

**"State University
From the University Millage Fund
For salaries and ex-
penses, two hundred
eighty-four thousand
five hundred dollars....\$284,500.00."**

In addition to such appropriations money is appropriated from certain revolving funds as follows:

**"From the University
Revolving Fund**

For salaries and expenses, one hundred sixty thousand dollars....\$160,000.00

In addition thereto all earnings of the experiment station and all federal funds allotted thereto are appropriated to the experiment station.

In addition to the above appropriation, there is hereby appropriated for the support and maintenance of the state university, all income from land grants and endowments and all other funds not mentioned above which pertain to said institution."

In appropriating the income from "all other funds not mentioned above" the legislature provided for just such a contingency as you have described. It is my opinion that the legislature has made a sufficient appropriation of those fees so that they can be used for salaries and expenses of the university. Such appropriations as these have been held valid under Sections 34 and 39 of Article V of the Constitution of Montana in a long line of decisions of the Montana Supreme Court. See *State v. Holmes*, 100 Mont. 256, 290; *State ex rel Veeder v. State Board of Education*, 97 Mont. 121, 132, and cases therein cited, and *State ex rel Bonner v. Dixon*, 59 Mont. 58.