

Opinion No. 191.

Schools and School Districts—College, Junior—Junior College—Budget, School—Levy, School.

Held: Funds for the operation and maintenance of junior colleges may be provided for under Chapter 158, Laws of 1939, by inclusion of the necessary amount in the high school budget and/or by charging tuition for each student, which tuition should not exceed \$125.00 per year. Both of these methods may be followed simultaneously in raising the necessary funds.

August 9, 1946.

Mr. E. W. Popham
County Attorney
Dawson County
Glendive, Montana

Dear Mr. Popham:

You have requested my opinion concerning the method of providing for the annual expenses of a junior college.

Junior colleges may be established under the provisions of Chapter 158, Laws of 1939. Section 9 of Chapter 158 reads as follows:

"The county high school board or district high school board shall be authorized to include in their budget a sufficient sum to operate and maintain the junior college departments as herein provided, the amount of such budget to be left to their determination. Such boards are also empowered in their discretion, when they shall deem it necessary, to charge tuition at a maximum rate of not exceeding one hundred twenty-five and no/100 (\$125.00) dollars per year for attendance at junior colleges established under the terms of this act."

From the above it is apparent that two sources of revenue are available for the operation and maintenance of the junior college department. First, the board of trustees of the high school may provide in their budget for such expenses and a levy made in the same manner as a levy for high school purposes. The second method is to charge tuition which cannot exceed \$125.00 per year for each pupil attending the junior college.

The use of the phrase "the amount of such budget to be left to their determination" indicates that the legislature does not contemplate limiting the necessary funds for the operation and maintenance of the junior college and gave broad discretionary powers to the board in fixing the budget for junior colleges.

It is therefore my opinion that funds for the operation and maintenance of junior colleges may be provided under Chapter 158, Laws of 1939, by inclusion of the necessary amounts in the high school budget and/or by charging tuition for each student, which tuition shall not exceed \$125.00 per year. Both of these methods may be followed simultaneously in raising the necessary funds.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General