

Opinion No. 6

SCHOOLS AND SCHOOL DISTRICTS; Insurance; Group, no limitation on expenditure for—INSURANCE; Schools; Group Insurance—Section 11-1024, Revised Codes of Montana, 1947.

HELD: That the board of trustees of a school district and the trustees of a county high school have the authority to expend school funds in a greater amount than five dollars per month per employee for group insurance, as part of the salaries and compensation of the teachers and employees.

June 14, 1963

Mr. Gene B. Daly
County Attorney
Cascade County Courthouse
Great Falls, Montana

Dear Mr. Daly:

You requested my opinion as to whether the Board of Trustees of a school district may expend more than five dollars per month for insurance for each teacher.

In opinion No. 49, Volume 27, Report and Official Opinions of the Attorney General, it was held:

“The Board of Trustees of school districts and the trustees of county high schools have the authority and power to expend school funds for group insurance for teachers and employees as part of the salaries and compensation of the teachers and employees.”

In this opinion, Chapter 174, Laws of 1957, which is now Section 11-1024, R.C.M., 1947, was considered and the conclusion was reached that this statute has no application to school districts as only counties, cities, and towns were named. This act permitted the named entities to enter into group insurance contracts for the benefit of the officials and employees, but limited the expenditure to five dollars per month for each official or employee.

As Section 11-1024, does not apply to school districts, neither the grant of power nor the five dollar limitation is to be considered by school trustees in the purchase of insurance. Opinion No. 49, Volume 27, of this office relied on the salary statutes for the authority to contribute school funds for group insurance for teachers and employees.

It is, therefore, my opinion that the board of trustees of a school district and the trustees of a county high school have the authority to expend school funds in a greater amount than five dollars per month per employee for group insurance, as part of the salaries and compensation of the teachers and employees.

Very truly yours,
FORREST H. ANDERSON
Attorney General