

SCHOOLS:

State funds transferred by deficiency bill,
State Auditor not required to set apart any
part to the school fund.

Senate Laws 33
Article IX, § 3(b) ✓

March 3, 1933

FILED
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Honorable Forrest Smith
State Auditor
Jefferson City, Missouri

Dear Mr. Smith:

Receipt of your letter dated February 28, 1933,
is acknowledged, in which you state and inquire as follows:

"I am enclosing Senate Bill 225, which transfers
the balances from various funds to the state
revenue fund.

I would like an opinion from you as to whether
one third of the total of these funds should
be set aside to the public school moneys as
provided in Section 7, Article 11, of the
Constitution of Missouri."

Article IX, § 3(b)

*now
8
months*

Section 7, of Article 11, of the Constitution of the
State of Missouri, in substance provides and means that if the fund
provided and set apart by law for the maintenance or operation of
public schools, be not sufficient in amount to maintain and operate
a free school for a period of at least ~~four months~~ in each year
and in each school district in the state, then and in that event
the General Assembly has the authority to provide sufficient funds
for the maintenance and operation of such schools for the above
designated period of time. . . The provision for such deficiency to
be made in accordance with Section 11 of the Article on revenue
and taxation, which we take it refers to Section 11 of Article 10
of the Constitution of the State of Missouri, being the Article in
that Constitution dealing with revenue. Section 7, of Article 11,
further providing that in no case shall there be set apart less
than twenty-five per cent of the state revenue, exclusive of interest
and sinking fund, to be applied annually to the support of the public
schools. We think the words "in no case" have reference to the
providing and setting apart of a public school fund as mentioned in
the first part of Section 7 and does not have reference to such a
transfer of general revenue as is contained in Senate Bill Number 225.

Honorable Forrest Smith

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March 3, 1933

We are of the opinion that Section 7, of Article 11, above referred to, has reference only to legislative provisions touching public school funds only and that under such Section and Article, none of the funds transferred by Senate Bill Number 225 should be set aside to the public school moneys of the State of Missouri.

Very truly yours,

GILBERT LAMB
Assistant Attorney General

APPROVED:

Attorney General.

GL:LC