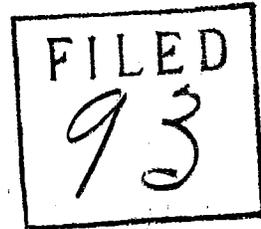


SCHOOLS: County school fund cannot be invested in Government bonds and other securities prior to July 1, 1946, unless before said date the Legislature repeals or modifies Sec. 10376, p. 880, Laws of 1943.

March 19, 1945



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Honorable Alvin B. Walker
Prosecuting Attorney
Milan, Missouri

Dear Sir:

We have your letter of recent date in which you submit the following for our opinion:

"Sullivan County has on hand and in the Loanable School Fund about \$13000.00. Can the County Court after the 29th. day of March 1945, the effective date of the New Constitution, invest this money in United States Bonds or other bonds as provided in Sec. 7, Art. 9 of the New Constitution, or will such action have to await the enactment of laws by the legislature to put said Sec. 7, Art. 9 in effect?"

Under Section 8 of Article XI of the old Constitution (Laws of 1943, page 1080), it is provided that the county public school fund shall be invested, used and disbursed for free public school purposes, in such manner and at such times as the General Assembly shall by law provide.

The only provision which the General Assembly has made for the investment of such funds is that they shall be invested upon the security of unencumbered real estate, with personal security in addition thereto (Section 10376, page 880, Laws of 1943). Sections 10384, 10384A, 10384B, 10385, and 10386, pages 881-883, Laws of 1943, provide the method and details for such loaning of said funds.

Honorable Alvin B. Walker

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March 19, 1945

Section 2 of the Schedule of the new Constitution of Missouri, adopted by the voters on February 27, 1945, provides as follows:

"All laws inconsistent with this Constitution, unless sooner repealed or amended to conform with this Constitution, shall remain in full force and effect until July 1, 1946."

The provisions of the statutes above referred to are inconsistent with the provisions of Section 7 of Article IX of the new Constitution, and, therefore, said statutes will remain in full force and effect until July 1, 1946, unless sooner amended or repealed.

CONCLUSION

It is, therefore, the opinion of this office that the county court of a county cannot invest the county school fund in United States bonds or other bonds, as provided in Section 7 of Article IX of the new Constitution, prior to July 1, 1946, unless before said date the General Assembly repeals or modifies Section 10376, page 880, Laws of 1943.

Respectfully submitted

HARRY H. KAY
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

HHK:HR