

School Trustees, Authority Of. Authority Of to Determine Rates of Tuition.

Boards of School Trustees, under Subdivision 2, Section 1797 of the Political Code, have authority to determine rates of tuition for non-resident pupils.

Helena, Montana, Jan. 7, 1908.

Hon. S. P. Wilson,
County Attorney,
Deer Lodge, Montana.

Dear Sir:—

I am in receipt of your letter of the 6th inst., submitting for the consideration of this office the following question:

Has Subdivision 2, Section 1797, Political Code, as amended by the laws of 1897, p. 130, in so far as said section confers upon Board of Trustees the authority to determine the rate of tuition of non-residents, been amended or repealed by subsequent legislation?

The last legislative act amendatory of said Section 1797 was the Act of February 24, 1903 (Chap. XXVI, Laws of 1903), which relates only to subdivision 15 of said section 1797, and said subdivision as amended by this 1903 Act in no manner conflicts with, supercedes, or repeals subdivision 2 of said section, and the power conferred on school boards by said section 1797 as amended "to determine the rates of tuition of non-residents pupils" still remains in full force and effect.

This is, evidently, the intention of the legislature, for, the latter act of March 5th, 1903, (Chap. LXVIII) confers upon the trustees of any school district the authority to pay the tuition of pupils who are sent by them to attend school in another district.

Very truly yours,

ALBERT J. GALEN,

Attorney General.