

Opinion No. 303.**Schools—High Schools—Transportation—Three Mile Limit—Public School General Fund.**

HELD: One-half the cost of transportation of all pupils attending public schools and who live three or more miles distant therefrom is a proper charge against the public school general fund.

June 24, 1936.

Miss Elizabeth Ireland
State Superintendent of Public
Instruction
The Capitol

In your letter of June 24, you ask:

"Kindly give me an opinion on the number of miles a high school student must at least be from the nearest high school if he is to be counted for transportation from the Public School General Fund."

Section 1200.4, R. C. M. 1935, which creates the State Public School General Fund, to which you refer, was enacted as Section 4 of Chapter 175, Laws of Montana, 1935. Section 1(c) of said Chapter 175 (now Section 1200 R. C. M. 1935) and Section 6 of said Chapter 175 (now Section 1200.6, R. C. M. 1935) provide for the payment of one-half the cost of transportation from said fund for all attending pupils who reside three miles or more distant from a public school. Since this is the last legislative enactment on the subject, Section 18 of Chapter 148, Laws of Montana, 1931, and Section 1 of Chapter 156, Laws of Montana, 1933, do not affect the reply to your question (*State ex rel. Esgar v. District Court*, 56 Mont. 464, 185 Pac. 157; *State ex rel. Normile v. Cooney*, 100 Mont. 391, 47 Pac. (2d) 637), as said Sections 1200.1 and 1200.6, R. C. M. 1935 clearly provide that one-half the cost of transportation of all pupils attending public schools and who live three or more miles distant therefrom shall be a proper charge against said fund.