

8 of Section 7, Laws of 1941,
as amended by Chapter 189,
Laws of 1943, are applicable.

February 28, 1945.

Mr. Oskar O. Lympus
County Attorney
Missoula County
Missoula, Montana

Dear Mr. Lympus:

You have submitted for my opinion
the following question:

May the trustees of a school district pay the parent in lieu of transportation any more than the allowance set up in the schedule under Section 7, Chapter 152, Laws of 1941?

You advise me the children reside more than five miles from the nearest school, there is no bus service and their residence is not adjacent to any other school district.

Your question is answered by Subsection 9 of Section 7, Chapter 152, Laws of 1941, which provides:

"Except as provided above, this schedule shall not be altered by any authority, other than the legislative assembly of the State of Montana."
(Emphasis mine.)

The exceptions referred to are found in Subsection 8 of Section 7 of Chapter 152, Laws of 1941, as amended by Chapter 189, Laws of 1943, and they have no application to the problem you submit as they permit the schedule to be altered if:

(a) In isolated cases it will be more economical and desirable to close a school and to provide transportation, or board in a private home or dormitory for one or more pupils in order that they may attend another school in the same district, or in order that they may attend a school in another district, or

(b) Where a school is maintained in a district but one or more pupils reside at such a distance from the school that it would be more economical and desirable, instead of furnishing transportation or board of attendance at the school in such district, to furnish transportation or board in a private home or dormitory while attending school in another district.

Opinion No. 17.

Schools and School Districts—Transportation—Schedule of Payments—Payments for Transportation.

Held: The schedule of payments for transportation of school children set out in Section 7 of Chapter 152, Laws of 1941, cannot be increased unless the exceptions defined in Subdivision

You will note by the act the legislative assembly has retained the exclusive authority to alter the said schedule.

It is therefore my opinion the schedule of payment for transportation of school children set out in Section 7 of Chapter 152, Laws of 1941, may not be increased unless the exceptions defined in Subdivision 8 of Section 7, Chapter 152, Laws of 1941, as amended by Chapter 189, Laws of 1943, are applicable.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General