

**OPINION
47-118**

June 27, 1947 (OPINION)

EDUCATION

RE: Reorganization Law - Payment of Per Diem - County Committees

This is in reply to your letter of June 25, which you addressed to the attorney general.

You ask for the opinion of this office as to whether the county committee created under the provisions of House Bill 43 are to be paid out of county funds or out of the appropriation made in the bill.

Section 7 of the Act provides that members of the county committee shall each receive as full compensation for their services the sum of \$6.00 per day, but in no event shall any member of the committee receive more than \$300.00 in any one year, and in addition to such compensation, each member shall receive his actual and necessary expenses incurred by him in attending said meetings and in the performance of his official duties.

Section 29 of the Act appropriates \$60,000 out of any moneys in the State Equalization Fund not otherwise appropriated or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act. There is no provision in the Act from which it may be inferred that the expenses of the county committee are to be paid out of county funds.

It should be observed, however, that so far as the duties imposed upon the county superintendent are concerned, section 8 provides that he shall receive a sum of money equal to 10 percent of his monthly salary as county superintendent, to be chargeable and payable as an expense of the county.

I have discussed this matter with Mr. Nordrum, Superintendent of Public Instruction, and we are agreed that under the language of this statute, the county committee should be paid out of the appropriation made in section 29. Had it been the intention of the legislature that the county should pay these expenses, it could easily have said so, just as it did with reference to the additional compensation and expenses of the county superintendent.

You inquire also whether or not the limitations on the power to detach and attach territory, as provided in section 15-2716, would also apply to section 14, subdivision 5 of said House Bill 43.

I presume that the limitations in said section 15-2716 would be applicable, although the general purpose of the reorganization act is to do away with school districts of limited areas and financial resources.

NELS G. JOHNSON

Attorney General