

OPINION
58-177

February 7, 1958 (OPINION)

SCHOOL DISTRICTS

RE: Transportation of Students - Schedule of Fees

We have received your letter dated February 3, 1958, wherein you ask for our interpretation of section 15-5315 as amended by Chapter 146 of the 1957 Session Laws.

Your question is whether a reorganized school district can legally pay an amount greater than that provided for in section 15-3404, or is such district bound by the schedule set forth in section 15-3404 of the 1957 Supplement.

That part of the law which gives rise to your question is the following language used in section 15-5315 of the 1957 Supplement.

Any school district reorganized prior to or after the effective date of this Act (section) which provides family conveyance type of transportation shall not be bound by the schedule of fees or limitations provided in section 15-3404 of the 1953 (1957) Supplement to the North Dakota Revised Code of 1943, and shall establish such schedule of transportation fees as may be proper under the circumstances affecting that district but in no event shall such newly established schedule of fees be less than the amounts specified in section 15-3404 of the 1953 (1957) Supplement to the North Dakota Revised Code of 1943 for family conveyance type transportation."

Section 15-3404 of the 1957 Supplement is known as the family type transportation law. It set up schedules of payment based on miles traveled from the patrons home to the schoolhouse. This section was last amended by Chapter 136, Laws of 1957.

Chapter 15-53 is known as the school reorganization law and sets forth the procedures for reorganization of school districts as well as operation of newly reorganized districts. We think it is quite clear that the Legislature intended to allow a reorganized district to pay in excess of the amounts provided for in section 15-3404, and to prevent any such district from paying less than the schedule provides for. Any other type of school district choosing to pay family type transportation would be bound by the payment schedule set forth in section 15-3404.

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