

Opinion No. 32-428

April 1, 1932

BY: E. K. Neumann, Attorney General

TO: Mr. J. P. Macon, Clerk, Texico Public Schools, Texico, New Mexico.

{*153} Your letter of recent date requesting advice as to the law governing the use by municipal school boards of direct charge funds for transportation of pupils has been received.

Provision is made for this matter in Section 4, Chapter 119 of the Laws of 1931, which is amendatory of Section 120-604 of the 1929 Compilation.

It is provided in this Act that direct district charge funds shall include property insurance, lease of school buildings, erection of school buildings, repair to school buildings and equipment, new equipment, purchase of school grounds, improvement of grounds and buildings, **transportation to supplement the transportation allowance from the regular county maintenance fund**, and interest on and the sinking funds and district school bonds.

You, of course, know that under this Act transportation of pupils is properly a part of the maintenance fund. This Act then further provides:

"The amount allowed from the county school maintenance account for transportation to the various districts shall be uniform within each county, the uniform allowance to be determined by the County Budget Commission after making reasonable and necessary allowance for other items of instructional service. The uniform transportation allowance shall be based either on the number of children in the county entitled by law to transportation or on number of miles necessary to be traveled in transportation of such children, or on both of these methods, as the County Budget Commission may deem advisable. Said transportation allowance shall be placed to the credit of each of the various districts having pupils to be transported.

Should a district desire to supplement the uniform transportation allowance derived from the County Maintenance Fund, it may do so by provision in its Direct District Charge Fund on the joint approval of the governing authorities of said district and the County Budget Commission."

Your attention is particularly directed to the foregoing provision which provides that when the district desires to supplement the uniform transportation allowance derived {*154} from the County Maintenance Fund, provision for such must be made in the Direct District Charge Fund and the joint approval of the governing authorities of the district and the County Budget Commission must be obtained.

Trusting the foregoing has sufficiently answered your inquiry, I am

By Frank H. Patton,

Asst. Attorney General