

Opinion No. 48-5127

February 11, 1948

BY: C. C. McCULLOH, Attorney General

TO: Charles L. Rose State Superintendent of Public Instruction Santa Fe, New Mexico

{*129} In your letter dated February 9, 1948 you inquire whether a school district has the power to join a municipality in issuing bonds for the acquisition and building of playgrounds and recreational facilities.

Under the State Constitution a school district may only issue bonds for the purchase of lands and the erection and furnishing of school buildings. If the lands to be acquired are to constitute a part of the school grounds, then the school district could legally issue bonds therefor. However, if the playground and recreational facilities are to be entirely separate from the school grounds, then the school district is not authorized to issue bonds either to acquire the land or erect buildings and other recreational facilities.

Section 71-1005 of the 1941 Compilation (Pocket Supplement) does authorize a school board to join with a municipality in conducting and maintaining a recreational system and to expend funds included in its maintenance budget for such purpose.

Section 71-1008 of the 1941 Compilation (Pocket Supplement) authorizes municipalities to issue bonds for the acquisition of lands or buildings for playgrounds, recreation facilities and other recreational purposes and for the equipment thereof.

However, this section does not authorize school districts to issue bonds for such purposes and under the Constitution the purpose for which school bonds may be issued is limited.