

Opinion No. 53-5726

April 9, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. E. K. Neumann Assistant District Attorney Carlsbad, New Mexico

{*122} In your letter dated March 31, 1953, you state that the Hope Municipal School District has collected a fund from the sale of water from a well on school premises. You request an opinion regarding the use of this school fund and whether or not it should be paid over to the County Treasurer for credit as directed by Section 55-622 of the 1941 Compilation.

This Section provides that all school funds collected by the governing authorities of any school district within the state, including, among other things, funds collected by reason of tuition fees charged for school attendance, shall be paid over to the County Treasurer of the county in which such district is located, and by him credited to the school account.

There seems to be no question but what receipts from the sale of water coming from a well on school owned premises would constitute school funds and should be handled as directed in the foregoing section.

Trusting that this answers your question and with best personal regards.

By: C. C. McCulloh

Assist. Attorney General