

**Opinion No. 15-1519**

May 8, 1915

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. W. E. Lindsey, Portales, N. M.

**As to whether a town treasurer is ex-officio treasurer of the school district.**

**OPINION**

{\*105} I have just received your letter of the 5th inst. in which you say you have been requested by the county treasurer to ask my opinion as to whether or not the town treasurer is ex-officio treasurer of the Portales municipal school district under Section 7 of House Bill No. 232 which was approved March 16, 1915, or whether a treasurer should be selected by the school board.

{\*106} That Section 7 says that, "The proceeds of such special school tax for such municipal districts shall be paid to the respective treasurers thereof." This seems to assume that there are in existence treasurers of municipal school districts, but the only treasurers heretofore provided by statute for municipalities are the city and town treasurers. By Section 1569 of the Compiled Laws of 1897, the Board of Education is given power to elect its own officers except the treasurer, and by Section 1571 the treasurer of the city or town is declared to be ex-officio treasurer of the Board of Education. While the new law refers to treasurers of municipal school districts, yet I take it that this must be construed to mean the treasurers of cities or towns who are ex-officio treasurers of the boards of education.