

## Opinion No. 16-1719

January 24, 1916

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

**TO:** Mr. George H. Webb, White Oaks, New Mexico.

**Payment of expense of school teacher in attending the State Association meeting.**

### OPINION

{\*292} I have just received your letter of the 19th inst. relative to the matter of the payment of expenses of school teachers incurred in attending the state association meeting. I have conferred with the Superintendent of Public Instruction and find that his view, with which I fully concur, is that such a payment is entirely proper under the last clause of the second paragraph of Section 3 of Chapter 79 of the Laws of 1915, that being the act commonly known as the County Unit Law. Of course, the making of the payment is subject to there being to the credit of the district, money available for the purpose. If you examine the statute you will see that it is made the duty of school directors to provide for various expenses which are enumerated, and also "to defray all other expenses connected with the proper conduct of public or common schools."

By Section 40 of the act the school directors are required to make estimates of the amount of money necessary for the purposes described in the preceding section, for the ensuing year, beginning September 1 following. Those estimates are to specify separately the sums needed for various purposes, the last of which is "the current maintenance of the schools in their respective districts." If this estimate for current maintenance has been made sufficiently large, it would be from that portion of the estimated funds that such an expense as the one of which you write can be paid.

If the money is not immediately available for the payment, it would still be possible for the warrants to be drawn as it is clear from Section 4855 of the new codification that the legislature contemplates the possibility of warrants being drawn and not paid for want of funds, as it is provided that such orders shall draw six per cent interest per annum after presentation to the County Treasurer, and it is the duty of the Treasurer to endorse upon the order the fact that it is not paid for want of funds.