Opinion No. 22-3229

January 17, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable Hugh B. Woodward, District Attorney, Clayton, New Mexico.

Expenditure School Funds for Purchase of Automobile for County School Superintendent.

OPINION

{*109} Reply to your letter of the 7th instant relative to the right of the County Board of Education to purchase an automobile for the use of the Count Superintendent of Schools to be used by him in visiting the schools of the county has been delayed, owing to illness and rush of work in the office.

In addition to the above mentioned inquiry, you ask if the replacement cost of tires and other parts of the car to keep the same in good running condition would be a proper expenditure by the County Board of Education in the event that the holding should be that the car could be purchased.

The answer to your inquiry depends upon the construction of Section 8, Chapter 105, Laws 1917. (The County Unit Law.)

This section was before the Supreme Court for construction in the *{*110}* case of Nohl vs. Board of Education, 199 Pac. 373, in which it was held that boards of education of municipal school districts could expend the funds of the district for the purpose of carrying group insurance for teachers and employes, it being admitted by the pleadings that such expenditure would inure to the benefit of the schools of the district.

The section mentioned authorizes county boards of education, as well as municipal boards of education "to defray all other expenses connected with the proper conduct of the public schools in their respective districts."

If the County Board of Education is satisfied that the purchase of an automobile for the use of the Superintendent for the purposes mentioned, and the upkeep of such automobile, is a proper expenditure of school funds for the proper conduct of the public schools in the district, in view of the decision of the Supreme Court in the case of Nohl vs. Board of Education **supra,** I am of the opinion that such expenditure would be legally justified.