

**Opinion No. 24-3751**

January 30, 1924

**BY:** JOHN W. ARMSTRONG, Assistant Attorney General

**TO:** Requested by: Hon. J. E. Owens, Educational Budget Auditor, Santa Fe, New Mexico.

**School Districts may not have Outstanding Maintenance Certificates for any Period Exceeding 90 Days.**

**OPINION**

{\*121} We have your inquiry as follows:

"Please advise this office whether or not under Sections 810 and 906 of Chapter 148 of the Laws of 1923 a County or Municipal Board of Education can borrow money upon certificates of indebtedness even though there are certificates of indebtedness outstanding, provided that the new loan, together with the amount already outstanding does not exceed the total amount necessary for maintenance expenses for a period of ninety days."

This office, at all times, has attempted to construe the 1923 School Code to make it workable as an instrument to support and protect the general welfare of the public schools of this state. We have held heretofore that rural and municipal school districts, with your consent, are authorized to borrow money and issue and deliver certificates of indebtedness, -- (a) For the actual amount of money necessary for school maintenance; (b) Such maintenance to be limited to a period of 90 days.

The restriction, under consideration, is the "maintenance period." If certificates have heretofore been issued for a maintenance period of 90 days and certificates covering a maintenance period of 30 days have already been paid and discharged as contemplated by law, then, we think, with your approval, certificates for an additional maintenance period of 30 days may be issued. Construed according to the probable intent of the legislature, we think the restriction contemplated is that the district, at no time, may have outstanding maintenance certificates for any period exceeding 90 days.