

Opinion No. [30-78]

February 21, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. R. E. Brazil, County Superintendent of Schools, Tucumcari, New Mexico.

SCHOOLS -- It is possible for districts to consolidate and issue bonds the same year. 120-702; 120-715; 120-805; 120-819.

OPINION

I have yours of the 17th inst. in which you ask whether or not a bond issue can be floated prior to July first on districts which have been consolidated since the first of the year.

In answer your attention is directed to section 702 of the School Code, which is 120-702, Compilation of 1929, which provides that to institute the right to issue bonds a petition for the calling of an election must be filed between January 15 and May 31.

By section 120-805, Compilation of 1929, being section 805 of the School Code, a consolidation does not become effective until July 2 next following the making of the order. However, by section 819, which is section 120-819 of the Compilation of 1929 or section 8, chapter 139, Laws of 1927, it is provided that for the purpose of voting bonds for the purchase of grounds and erection and furnishing of school buildings, such consolidation shall be complete from the time the order is filed by the county board of education.

By section 715 of the School Code, 120-715, Compilation of 1929, bonds shall not be issued or sold after July in any calendar year.

If, then, you can institute your bond election and carry it through successfully in time to advertise and sell bonds not later than July 1st you have statutory authority for so doing.