

Opinion No. 45-4718

May 17, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. W. T. Scoggin, Jr. District Attorney Las Cruces, New Mexico

{*70} I have your letter of May 9th, 1945 wherein you request an opinion in behalf of the County Commissioners of Dona Ana County concerning whether it is mandatory, under our law, that 5 mills be levied for school maintenance.

An examination of our statutes discloses that there is no statutory provision requiring the levying of 5 mills for school maintenance.

The general misapprehension on this matter seems to be derived from a misconception of the provisions of Section 6 of Chapter 125, Laws of 1941 (Sec. 55-636, 1941 Comp.). This act, as originally introduced in H. B. 189, contained a provision which was intended to have the effect of making mandatory the levying of 5 mills for school maintenance. However, it is pointed out that House Educational Committee Amendment {*71} No. 7 to H. B. 189 deleted this provision and therefore this provision was never enacted into law.

By HARRY L. BIGBEE,

Asst. Atty. General