

Opinion No. 47-5105

November 21, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mr. R. H. Grissom Educational Budget Auditor Office of State Comptroller Santa Fe, New Mexico

{*112} In your letter dated November 18, 1947, you have referred to us an inquiry from a school board employee known as a Repair and Maintenance Man, concerning the legality of such employee holding the office of County Budget Commissioner.

Section 55-601 of the 1941 Compilation requires that the School Budget Commissioner in the county be a resident taxpayer and a member of one of the two dominant political parties. If the employment under the local school board is not incompatible with the office of School Budget Commissioner, then there is no reason why one person could not hold both offices. Since a mere employee of a school board is not charged with the supervision and expenditure of funds budgeted for the school board, I am of the opinion that the two positions or offices are not incompatible, and that the employee could legally hold the office of School Budget Commissioner.