

Opinion No. 52-5514

March 13, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. M. E. Linton, Superintendent Hatch Valley Municipal Schools Hatch, New Mexico

{*226} This is in reply to your letter of February 8, 1952, in which you requested an opinion as to whether a Notice of School Bond Election which contains a parenthetical statement of what the proceeds of the bond issue are to be used for invalidates the bond transcript or proceedings in any way.

The first portion of the Notice of Election you submit follows the statutory form found in Section 55-724 NMSA. There then follows this language, enclosed in parenthesis:

"Additional class rooms at Garfield, Salem, Rincon Grade Schools and an addition to the high school."

The inclusion of this language raises two questions. First, does the erecting of additional classrooms {*227} come within the mandate of Article 9, Section 11 of the New Mexico Constitution, which provides that no school district shall borrow money, except "for the purpose of erecting and furnishing school buildings or purchasing school grounds"? In my opinion, the term "erecting" cannot be confined to the erection of separate buildings, and includes the building of an additional classroom, to be physically connected with an already existing structure.

Second, may such a notice of election contain a specific statement of the ultimate use of the funds to be derived from the bond issue? It is my opinion that such language would in no way invalidate any of the bond proceedings. This is subject to some qualification, however. If the Notice of Election does contain such language, then the school district is bound to use the bond proceeds for only the specific purpose or purposes enumerated therein. See *Mann v. City of Artesia*, 42 N.M. 224.

I hope that this opinion answers sufficiently your questions on this subject.