

Opinion No. 39-3261

August 29, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mrs. Grace J. Corrigan, Superintendent of Public Instruction, Santa Fe, New Mexico.

{*100} We have your letter of yesterday inquiring {*101} whether certain members of a county board of education are properly qualified in view of the provision in Section 1, Chapter 20, Laws of 1937, (Sec. 120-801, 1938 Supplement), to the effect that only one member shall reside in any incorporated municipality.

This raises a very interesting question: whether Section 1 of Chapter 139, Laws of 1939, does not supersede in this respect the 1937 provision above referred to. The solution to this question should not be difficult (59 C.J. 919-920, Sec. 520), but fortunately the question need give you no worry, since in dealing with the board you may be assured that its acts as the county board of education are valid and binding at all times, regardless of the qualifications of the individual members to serve.

In passing may I say that you have been misinformed as to one of the communities mentioned in your letter. Only two of the three mentioned in your letter are municipalities.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.