

Opinion No. 41-3704

February 1, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. M. Case, Clerk Board of Education Aztec, New Mexico

{*31} This will acknowledge receipt of your letter dated January 30, 1941, wherein you request an opinion from this office as to whether your county assessor would be eligible to serve as a member of the Board of Education for the Town of Aztec in the event of his election February 11, 1941.

Your attention is directed to Section 8, Chapter 119, Session Laws of 1931, amending Section 120-903, of the New Mexico Statutes, Annotated, 1929 Compilation, which reads in part as follows:

"* * No person who is a state, county or municipal officer, or teacher in any school, or student attending school, shall be a member of said board. * * *"

However, said Section 120-903, as amended by said Section 8 of Chapter 119, of the Session Laws of 1931, was again amended by Chapter 2 of the Session Laws of 1933. The Eleventh Legislature (1933) specifically omits any wording in said Chapter 2, Session Laws of 1933, to the effect that a state, county or municipal officer shall be ineligible to serve on the Board of Education.

In view of the foregoing, it is my opinion that a county assessor is eligible to be a member of a municipal board of education.