

Opinion No. 47-5093

October 27, 1947

BY: C. C. McCULLOH, Attorney General

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

{*101} This will acknowledge receipt of your letter of October 17, 1947 reference to Chapter 96, Laws of 1947. You request our opinion on the following two questions:

Question No. 1. -- "According to Senate Bill No. 124, is the Las Vegas Town Board of Education correct in assuming that the \$ 30,000 therein mentioned is to be expended or may be expended for the erection of a school building to be named "Veterans Memorial Public School" within the boundaries of the school district now under the jurisdiction of the Town Board of Education?"

Question No. 2. -- "After this money, \$ 30,000, is turned over to the Town Board of Education by the Board of Trustees of the Town of Las Vegas (Administering the land grant known as 'The Las Vegas Land Grant'), are they in any way obliged to turn over part of this money or say \$ 20,000 to a Veterans Organization for the erection or building of a Veteran's Club House?"

Chapter 96, Laws of 1947, clearly {*102} provides that the Board of Trustees of the Town of Las Vegas is authorized to spend \$ 30,000 toward the cost of constructing a public school building **within the exterior boundaries of the Town of Las Vegas**. It further provides that the school building shall be named "Veterans Memorial Public School."

No provision is made in the act authorizing or empowering the Board of Education to turn over any amount out of the \$ 30,000 to a Veteran's Organization for any purpose.

I might mention here that Chapter 96, Laws of 1947, amended Section 1, Chapter 121, Laws of 1945 and repealed Section 2, Chapter 121, Laws of 1945. It appears that Section 3, Chapter 121, Laws of 1945 was left in full force and effect and although the latter section does not affect the result reached in this opinion, it has not been overlooked. In fact, Section 3, Chapter 121, Laws of 1945 is probably an additional authorization for the Board of Trustees of the Town of Las Vegas to spend an additional \$ 20,000 for purchase of a designated building for the use of veterans of all wars.

In view of the wording of Chapter 96, Laws of 1947, your questions are answered as follows:

Question No. 1. If the school building is to be erected **within the exterior boundaries of the Town of Las Vegas**, then the Board of Education is correct in assuming that the

\$ 30,000 therein mentioned is to be expended or may be expended for the erection of a school building to be named "Veterans' Memorial Public School" within the boundaries of the school district now under the jurisdiction of the Town Board of Education.

Question No. 2. If this money, \$ 30,000, is turned over to the Town Board of Education by the Trustees of the Town of Las Vegas, they are not authorized nor empowered in any way to turn over part of this money to a Veterans' Organization for the erection or building of a Veterans' Club House.

By WM. R. FEDERICI,

Asst. Atty. General