

Opinion No. 13-1139

November 28, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Honorable W. G. Sargent, State Auditor, Santa Fe, New Mexico.

CAPITOL CUSTODIAN COMMITTEE.

Capitol Custodian Committee authorized to draw money from the income fund from lands donated for public buildings.

OPINION

{*320} I have received your letter of the 26th inst. asking me to advise you as to whether the Capitol Custodian Committee is authorized to draw money from the income fund from lands donated for public buildings, and if you should pay any such requisition out of said fund.

I was under the impression that letters from this office of October 13, October 16 and October 23, when taken together, would cover this matter, but I can see, upon examining those letters, that the third one does not distinctly refer to this fund. I am of opinion, as indicated in that third letter, that, with the exception of the Permanent School Fund, the disposition of all of the other funds arising from lands donated by Congress is left to the Legislature. I am also of opinion that the legislation to be found in Chapter 72 of the Laws of 1905 is applicable to the public buildings fund, as stated in the letter from this office of October 13, and that, therefore, the expenditure of the income fund by the Capitol Custodian Committee is authorized.