

Opinion No. 41-3744

March 21, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*48} Your letter dated March 20, 1941, requests an opinion from this office as to whether funds obtained by county commissioners from the sale of county-owned chattels go into the general county fund or into a fund out of which the money originally came for the purchase of those chattels.

Section 33-4215, New Mexico Statutes Annotated, 1929 Compilation, provides that the boards of county commissioners of the several counties shall have the power "to represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law."

Since the Legislature has not seen fit to pass a law designating the fund into which monies acquired by county commissioners from the sale of county-owned chattels, I am of the opinion that the power lies within said board to determine generally the fund into which those sums should go. In other words, if by resolution the board decides that this acquired property shall be covered into the furniture and supplies fund, then that is the fund which will be supplemented. On the other hand, if nothing is done, the money will become a part of the general county fund.

Trusting that the foregoing sufficiently answers your inquiry, I am

By George H. Hunker, Jr.

Asst. Atty. General