

Opinion No. 41-3903

September 17, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Scott H. Mabry Assistant District Attorney Albuquerque, New Mexico

{*100} In your letter dated September 14, 1941, you inquire whether the board of county commissioners of Bernalillo County is authorized to invest \$ 125,000.00 belonging to the courthouse and jail sinking fund and which cannot be used immediately to retire outstanding bonds in United States Government Defense Bonds.

Section 4, Chapter 174, Laws of 1933, in part, provides as follows:

"County, City or Town Treasurers, by and with the advice and consent of their respective Boards of Finance charged with the supervision and control of the respective funds, shall have the power to invest all sinking funds or moneys remaining unexpended from the proceeds of any issue of bonds or other negotiable securities of any County, City, Town or School District which are now or may hereafter by law be intrusted to their care and custody and all moneys not immediately necessary for the public uses of such Counties, Cities, Towns or School Districts in bonds or negotiable securities of the United States of America, * *"

Under this authority I see no reason why such an investment could not be made of such funds. However, you may run into a practical difficulty in purchasing Defense Bonds in view of the fact that the postal authorities informed me that the only bonds which could be purchased are series F and G, which may be redeemed six months from the date of issue after a written notice of one month being given. However, the limit upon purchase of these series is \$ 10,000.00. However, if you can make arrangements to purchase Government Bonds, I believe such purchase is authorized under the statute above quoted.

By C. C. McCULLOH,

Asst. Atty. General