

Opinion No. 42-4079

April 29, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mrs. Grace J. Corrigan Superintendent of Public Instruction Santa Fe, New Mexico.
Attention: Chas. G. Witt

{*190} In your letter of April 24, 1942, you request an opinion of this office as to the proper procedure which should be followed in order to perfect a sale of certain equipment formerly owned by the Textbook Division of the State, which is now no longer in existence.

I have searched in vain for any specific legislation on this question, but after careful consideration of the question, I conclude that the care, custody and control of this property is now vested in the Capitol Custodian Committee, by reason of the provisions of Section 6, Chapter 135, Laws of 1935. Even so, and assuming that my conclusion in this respect is correct, I find no specific authority in our statutes which provides for the sale of such property, but believe that it was the legislative intent to grant such authority when it enacted Section 6, Chapter 135, Laws of 1935.

As to the procedure to be followed in making a disposal of this property, I would first suggest that as much of the equipment as possible be used by other Departments of the State. If all of the equipment cannot be beneficially used, it should be sold in a manner consistent with good business principles. In that it is state property, a public auction, after proper notice, would probably be the most feasible plan to follow.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

First Asst. Atty General