

Opinion No. 47-5057

July 28, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mr. Tom L. Popejoy Comptroller University of New Mexico Albuquerque, New Mexico

{*73} We wish to acknowledge receipt of your inquiry of July 25, 1947, wherein the question was raised as to whether or not University of New Mexico Revenue Bonds could be used as security for public money deposits.

Section 7-216 of the New Mexico 1941 Compilation provides in part as follows:

"Deposits secured by Deposits. Deposits of Public moneys may be secured by bonds or treasury certificates of the United States, bonds of the Federal Farm Mortgage Corporation, bonds of the Home Owners Loan Corp., Federal Farm Loan bonds and any other bonds or securities guaranteed by the United States, bonds of the State of New Mexico, debentures issued by the State Highway Commission of New Mexico * * *, bonds of any County of this State, or any of the legal subdivisions thereof, including drainage or irrigation district bonds on which all interest due has been paid for the five years (5) immediately preceding the acceptance thereof, as security for any deposit * * ."

In the case of State v. Regents of University of New Mexico, 32 N.M. 419; 258 P. 571, the Supreme Court of this State held that bonds issued by the University of New Mexico were not obligations of the State but such were merely obligations of the University.

In view of such holding, we are of the opinion that Revenue Bonds {*74} of the University of New Mexico cannot be used for the purpose of securing public money deposits.

Trusting the aforementioned satisfies your inquiry, I am

By: ROBERT V. WOLLARD

Asst. Atty. General