

Opinion No. 51-5455

November 9, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Hon. Edwin L. Mechem Governor, State of New Mexico Santa Fe, New Mexico

{*165} This is in reply to your request for an opinion as to whether the Girls Welfare Board may purchase a parcel of land adjacent to the Girls Welfare Home in Albuquerque. You also ask whether the authorization of the State Board of Finance is necessary before such a purchase can be made. I understand that sufficient funds for such purchase are available in the present Girls Welfare Home budget, although no amount has been set aside specifically for that purpose.

The section of the New Mexico Statutes Annotated, 1941 Compilation, which designates the powers of the Girls Welfare Board is 502 of Chapter 45, which reads as follows:

"The said board shall have power to receive, educate, maintain, discipline, control and parole girls under the age of eighteen (18) years committed to it by the district judges of the state; Provided, that the approval of the court committing the girl shall be first had to the terms of all paroles."

Since this Board is a creation of the legislature, it can exercise only such powers as the Legislature has authorized it to perform, and it has not been given the power to purchase land. However, § 45-504, N.M.S.A., designates the Home as a state institution and it is my opinion that the State Board of Finance, under the broad powers given it by § 7-102, N.M.S.A., may authorize this purchase. In this connection I have also noted that under the other sections of Article I, Chapter 7, N.M.S.A., the Board of Finance is given a rather detailed supervisory function over the fiscal affairs of such bodies as the Girls Welfare Board. It is my opinion that this further supports the position that the Board of Finance may authorize the purchase of land by the Girls Welfare Board.

I hope that this opinion answers sufficiently your questions on this subject.