

Opinion No. 53-5684

February 19, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. George L. Warder, President New Mexico Industrial School Springer, New Mexico

{*77} On February 12 you addressed an inquiry to this office requesting an opinion as to your power and authority to grant an oil lease on lands of the New Mexico State Industrial School.

{*78} Section 8-1101, N.M.S.A., Comp., reads as follows, in part:

"The commissioner of public lands hereinafter referred to as the 'commissioner' is hereby authorized to execute and issue in the name of the state of New Mexico, as lessor, leases for the exploration, development and production of oil and natural gas, from any lands belonging to the state of New Mexico, or held in trust by the state under grants from the United States of America, and including lands which have been or may hereafter be sold by the state with reservations of minerals in the land, such leases to be issued upon such terms and conditions as the commissioner may deem to be for the best interests of the state, and not inconsistent with the provisions of Chapter 125, of the Session Laws of 1929 (§§ 8-1191, 8-1103, 8-1105 -- 8-1118), and amendments thereto; * * *."

This statute gives the exclusive right to the land commissioner to execute **all** leases on any lands owned by the State of New Mexico.

Therefore, it is the opinion of this office that the right and power to grant an oil lease on any lands owned by the State of New Mexico, any department or agency thereof, is in the hands of the State Commissioner of Public Lands and no other person has authority or power to lease any lands, other than the Commissioner of Public Lands.

By: Fred M. Standley

Assist. Attorney General