

Opinion No. 58-30

February 13, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
Assistant Attorney General

TO: Hon. Edwin L. Swope, District Judge, Second Judicial District, Division III,
Albuquerque, New Mexico

QUESTION

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Can the proceeds from the sale of bonds provided for in Chapter 201, Laws of 1957, be used to add living quarters to a bakery building to be erected?

CONCLUSION

Yes.

OPINION

ANALYSIS

The last session of the Legislature approved a bill authorizing the issuance of \$ 100,000.00 in severance tax bonds for the purpose of erecting certain buildings at the New Mexico Boys' School at Springer.

Pursuant to the above Act, the Board of the New Mexico Boys' School proposes to:

1. Enlarge the existing dining room in the Junior boys' unit.
2. Erect a vocational bakery building, and
3. Then add an addition to this bakery building for living quarters.

The legislative act referred to above provided that proceeds from the sale of the bonds should be used for the following specified purposes:

"(1) erecting and furnishing an addition to a building to be used for dining purposes; (2) erecting and furnishing an addition for living quarters; and (3) erecting and furnishing a bakery."

As indicated in A.G. Opinion 57-299, it is apparent that the Act originally passed by the Legislature provided that the proceeds from the bond issue were to be used for certain specified purposes, that is to say, those stated in the act.

From the above, the question arises as to whether the proposed building program contemplated by the Board complies with the legislative directive contained in Chapter 201, Laws of 1957. The Board proposes to enlarge an existing dining room which is not in conflict with the legislative directive of "erecting and furnishing an addition to a building to be used for dining purposes". The Board proposes to erect a vocational bakery building which is not inconsistent with "erecting and furnishing a bakery" as is provided by the Act. The primary question seems to be whether the plan to add living quarters to the bakery building complies with the Act in "erecting and furnishing an addition for living quarters". The architect's drawings which we have examined indicate that "living quarters" will be erected as is required by statute, but attached to the bakery building. The question which then arises is whether attaching the living quarters to the bakery building in some way violates the Act. We do not so believe. Building quarters are to be built in compliance with the statute. Attaching such building quarters to the bakery should not change their character as "living quarters" and it is, therefore, our opinion that the Board's proposed plan complies with all of the requirements of Chapter 201, Laws of 1957.