

## Opinion No. 12-907

June 19, 1912

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. W. G. Sargent, State Auditor, Santa Fe, N. M.

### **AUTOMOBILE FOR STATE LAND OFFICE.**

The purchase of an automobile for use of the State Land Office is a proper expenditure.

### **OPINION**

{\*44} I have your letter of even date enclosing voucher No. 577, approved by the Commissioner of Public Lands, for the purchase of an automobile for use of the State Land Office, as to which you ask me to advise you if it is a proper charge, and against what fund.

As to whether this purchase is a proper expenditure or not, reference must be had to the provisions of the recent act of the Legislature providing for the creation and maintenance of the State Land Office and for other purposes, which became a law on June 14, 1912, being known as senate substitute for senate bill No. 36, and from the same act must be determined the fund from which, if proper, it is payable.

Section 6 of that act creates the fund to be known as the State Lands Maintenance Fund, to be made up of twenty per centum of the income derived from state lands. Section 5 provides that all expenses incurred by the commissioner, or his subordinates, in inspecting, appraising or investigating state lands, shall be paid out of said fund, and that there shall also be paid out of said fund all expenses incurred by the commission composed of the Governor, Surveyor General, or other officer exercising the functions of a Surveyor General, and the Attorney General, in directing, locating, inspecting, appraising and investigating state lands. Section 7 of the act also {\*45} provides that all salaries and expenses of the State Land Office shall be paid from the same fund.

It must be obvious that in the discharge of his duties the Commissioner of Public Lands will be required to visit almost every part of the state from time to time in the management and inspection of state lands, and that it may be necessary for the members of the commission composed of the Governor and two other officers, or some of them, to visit and examine lands in different places with a view to locating the same, in pursuance of the requirements of the Enabling Act and of the Constitution. A proper use of an automobile by the officers mentioned would tend to the more efficient and rapid performance of their duties, and therefore it appears to me that the purchase is a proper charge, and the reference hereinbefore made to the statute show that it must be a charge against the State Lands Maintenance Fund.

I return the voucher herewith.