

**Opinion No. 13-1122**

October 16, 1913

**BY:** IRA L. GRIMSHAW, Assistant Attorney General

**TO:** Honorable W. G. Sargent, Santa Fe, N. M.

**STATE INSTITUTIONS.**

Auditor's right to pay moneys to different state institutions.

**OPINION**

{\*304} Answering your oral request for further opinion in reference to the right of the various institutions to drawing upon their permanent and income funds, I beg to advise the following:

Under the Laws of 1912, the funds for these institutions are divided into "Permanent" and "Income" funds. The law does not specify exactly what moneys shall constitute these separate funds, but I understand that the following has, by departmental usage, been held to make up these funds:

Permanent fund -- all proceeds from the sale of lands or any part thereof.

Income fund -- Proceeds from sales of timber, leasing of land, the income on permanent fund and all other moneys constituting revenue from the lands.

The result is as follows:

University -- Permanent Funds. Right to sum equal to moneys derived from sale of 200,000 acres. No right to sum equal to moneys derived from sale of 65,000 acres.

Income Fund. Right to sum equal to moneys derived from leasing of two townships; income on total amount received from sale of two townships; income on total amount received from sale of 65,000 acres, and all other moneys constituting this specific fund.

Agricultural School -- Permanent. Right to sum equal to moneys derived from sale of 150,000 acres. No right to sum equal to moneys derived from sale of 100,000 acres.

Income Fund. Income on investment of moneys derived from sale of 100,000 acres and all other moneys constituting this fund are subject to use.

Insane Asylum -- Permanent Fund. Right to sum equal to moneys derived from sale of 150,000 acres and also from sale of 25,000 additional acres granted as its proportion under the grant to penal, charitable and penal institutions.

Income Fund. All subject to use.

{\*305} School of Mines -- Permanent Fund. Right to sum equal to moneys derived from sale of 200,000 acres.

Income Fund. All subject to use.

Deaf and Dumb School -- Permanent Fund. Right to sum equal to moneys derived from sale of 100,000 acres.

Income Fund. Moneys derived from lease of land subject to withdrawal.

Reform School -- Permanent Fund. Right to sum equal to moneys derived from sale of 75,000 acres.

Normal School, Silver City -- Permanent Fund. Right to sum equal to moneys derived from sale of 106,666 2-3 acres.

Income Fund. Right to moneys derived from lease of said lands.

Normal School, Las Vegas -- Permanent Fund. Right to sum equal to moneys derived from sale of 106,666 2-3 acres.

Income Fund. Right to moneys derived from lease of said lands.

Normal School, El Rito -- Permanent Fund. Right to sum equal to moneys derived from sale of 56,666 2-3 acres.

Income Fund. Right to moneys derived from lease of said lands.

Norman School, Eastern -- Permanent Fund. Right to sum equal to moneys derived from sale of 30,000 acres.

Income Fund. Right to moneys derived from lease of said lands.

Blind Institution -- Permanent Fund. Right to sum equal to moneys derived from sale of 100,000 acres.

Income Fund. Right to proceeds from lease of said lands.

Miner's Hospital -- Permanent Fund. Right to sum equal to moneys derived from sale of 125,000 acres.

Income Fund. Right to moneys derived from lease of said lands.

Military Institute -- Permanent Fund. Right to sum equal to money derived from sale of 150,000 acres.

Income Fund. Right to moneys derived from lease of said lands.

Penitentiary -- Permanent Fund. Right to sum equal to moneys derived from sale of 175,000 acres.

Income Fund. Right to moneys derived from lease of said lands.

Public Buildings -- Permanent Fund. Right to sum equal to moneys derived from sale of 100,000 acres.

Income Fund. Right to moneys derived from lease of said lands.