

Opinion No. 19-2350

August 29, 1919

BY: N. D. MEYER, Assistant Attorney General

TO: Hon. Benjamin F. Pankey, Acting Governor, Santa Fe, N.M.

State Highway Commission Has Jurisdiction Over Scenic Route Road.

OPINION

Referring to the attached communication we beg to advise that we are of the opinion that Sections 2639 and 2641 repealed Sections 2707 and 2708 in so far as the authority under whose supervision and control the scenic highway is, is concerned. It appears that the duty of supervision of said road is transferred from the Board of Penitentiary Commissioners and the superintendent of the penitentiary to the State Highway Commission by virtue of Section 2639.

However, the duty of constructing, repairing and maintaining the road by the use of penitentiary convict labor from the Santa Fe and Las Vegas city limits to the boundaries of the Pecos Forest Reserve is still in force and effect but instead of the Penitentiary Commissioners it is by section 2639 imposed on the State Highway Commission. The only discretion that the State Highway Commission has in the matter is that they shall perform such duties as are required by section 2708 at such times as in their judgment shall be proper.

Trusting that I have made myself clear, I beg to remain,