

Opinion No. 19-2328

July 15, 1919

BY: O. O. ASKREN, Attorney General

TO: Mr. H. V. B. Smith, Santa Rosa, New Mexico.

Use of Building Funds for Repairs.

OPINION

In reply to your letter of June 25 advise that I am of the opinion the balances of the available building fund on hand may be applied to the repairing of the buildings intended to be used as school buildings and it would not be inconsistent with the provisions of Section 11, Article 9 of the constitution.

However, I do not understand how the title to public school buildings could be placed in the board, and further, there is no provision or authority for the board to erect or maintain dormitory buildings in public schools. Therefore, a dormitory would not be considered a school building when used in connection with public schools.

There are provisions for dormitory buildings in connection with our State University, the Normal Schools, Agricultural School, School of Mines, School for the Blind, etc., but for public schools generally there is no such provision, and in my judgment the funds would be misappropriated if used on the repairing of a building intended to be used as a dormitory.