

**Opinion No. 31-14**

January 16, 1931

**BY:** E. K. Neumann, Attorney General

**TO:** Mrs. Marguerita P. Baca, Secretary of the State, Santa Fe, New Mexico.

{\*24} In replying to your letter of even date herewith, regarding the authority {\*25} to sell such discarded articles from the Capital Building and Governor's Mansion as may be unfit for further service in said buildings, I beg to advise that, in so far as I am able to ascertain, it is probably within the power of the Capitol Custodian Committee to make such sales and deposit such money into the contingent funds of the committee. The Statutes, as far as I am able to ascertain, are silent upon such matters with the exception that Section 134-1207 of the 1929 Compilation is as follows:

"All property, real or personal, the title to which may be acquired for the state in pursuit of the foregoing objects, is hereby committed to the care, custody and control of the capitol custodian committee."

The word control, in my opinion, implies the right upon the part of the committee to dispose of such possessions as may become unfit for services to the best advantage possible. Of course, the committee must fully and accurately account for any and all sums so received, showing a complete record of all such transactions.

In most states such matters are regulated by law, but our Statutes are silent upon such matters. A reasonable use of the discretionary powers of the Capitol Custodian Committee could not, in my opinion, be severely criticized.