

**Opinion No. 33-678**

October 31, 1933

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

**TO:** Honorable A. W. Hockenhull, Governor of New Mexico, Santa Fe, New Mexico.

{\*89} With reference to the letter of Mr. Lamb of the State Corporation Commission, dated October 23, 1933.

It is true that Section 13-426, 1929 Code is as follows:

"The State Corporation Commission shall have control and supervision of the State Bank Examiner and the records and files of his office."

However, in my opinion, this relates only to those matters which are by law specifically matters within the jurisdiction of the Corporation Commission, relating to the corporate existence of banking institutions. The control to be exercised in such matters are as specifically set forth in other statutes relating to the matter of banks and like corporations.

Such control, however, has nothing to do with the expenditure of appropriations, the examination of banks, reports of conditions of banks, taking charge of banks liquidating same and other matters to be handled without specific reference to approval, disapproval, control, etc., of the Corporation Commission.

This is evident by a search of all laws from 1915 to date, where the legislature amended the banking laws and struck therefrom control, approval and supervision of the Corporation Commission of matters theretofore subject to such control, approval and supervision.

I think the present set up legal, sane and workable in every respect.