

Opinion No. 43-4349

July 31, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

In your letter dated July 29, 1943, you state that several of the state institutions are filing surety bonds of state officers with the County Clerks, and inquire whether said bonds should not be filed and recorded with the Secretary of State.

Section 10-206 of the New Mexico 1941 Compilation provides as follows:

"The bonds of all state and district officers shall be recorded in a record book to be provided for that purpose, and known as the record of official bonds, in the office of the Secretary of State. (Laws 1893, ch. 56, sec. 2; C. L. 1897, sec. 3188; Code 1915, sec. 516, C. S. 1929, sec. 17-112.)"

Section 10-207 of the New Mexico 1941 Compilation provides as follows:

"The bonds of all state officials, and of the members of all state boards and institutions, after having been recorded as required by law, shall be filed and kept in the office of the Secretary of State; and all state bonds now filed elsewhere shall be transferred to the office of the Secretary. (Laws 1905, ch. 59, sec. 1; Code 1915, sec. 517; C. S. 1929, sec. 17-113.)"

In view of these two sections of the law, all surety bonds of state officers and members of state boards and institutions should be filed and recorded with the Secretary of State and kept in that office.

By C. C. McCULLOH

First Asst. Atty. Gen.