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Originator
LES HARDY
I Concur
JOHN VANLANDINGHAM
I Concur
STIRLEY HOWELL

July 19, 1960

Honorable William R. Mathews
President of the Board
Board of Regents of the
Universities and State College
of Arizona
Tucson, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Mr. Mathews:

This opinion is in reply to your letter of June 28, 1960, wherein you ask whether the Board of Regents may use a portion of the uncommitted surplus created in the operation of the dining halls, dormitories, bookstores, and student activities in participation in the National Defense Education Program under 20 U.S.C.A. §§ 401-249. Under this federal program student loan funds may be established, with the federal government providing 8/9ths and the institution 1/9th of the fund.

The Board of Regents has broad authority to expend funds for the furtherance and support of the Universities and State College. A.R.S. §§ 15-743 and 15-744 provide that:

"§ 15-743. Expenditure of university funds

The board of regents may expend, as it deems expedient and as is not inconsistent with the provisions of any appropriation, such parts of the income of the university land fund, university timber land fund, university fund and all other funds provided for the university, for the maintenance and development of the university grounds, the erection of suitable buildings, the purchase of apparatus and equipment, the purchase, development and extension of a library, and the support and maintenance of the university." (Emphasis supplied)

"§ 15-744. Expenditure of state college funds

All money for the use and benefit of the state colleges shall be expended under the direction and control of the board of regents. The money may be used for the support and maintenance of all colleges,

Honorable William R. Mathews
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for buildings and grounds, and for any other purpose the board deems expedient if not inconsistent with provisions of any appropriations." (Emphasis supplied)

It is the opinion of the Attorney General that the expenditure of the surplus funds for the purpose outlined above would be within the authorization of A.R.S. §§ 15-743 and 15-744, above quoted.

Very truly yours,

WADE CHURCH
The Attorney General

LESLIE C. HARDY
Chief Assistant
Attorney General

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