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ARIZONA ATTORNEY GENERAL

October 24, 1951

Op. No. 51-278

J. Thomas McIntire, Superintendent
The Arizona Children's Colony
Coolidge, Arizona

Dear Mr. McIntire:

This acknowledges receipt of your letter of October 18, in which you ask the opinion of this office as to the status of eighty acres of land purchased by the State of Arizona for the Children's Colony in December, 1929. Your question is:

"The Arizona Children's Colony Board is interested in knowing what changes Chapter 30, Laws of 1949 may have effected with regards to ownership and disposition of income received from the rental of said land."

The legal description of the land in question is the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 34, Township 1 N., Range 5 East, G. & S.R.B. & M., Maricopa County, Arizona.

Chapter 30, Laws of 1949, refers in Section 12 to the "receipt and disposition of gifts" and makes no special provision for the disposition of income from lands owned by the Colony not acquired by gift, and not used for its own buildings.

There being no special statute governing the disposition of income from the land in question, the provisions of Section 10-912 ACA 1939, Supplement, would be applicable. This section provides in part:

"General fund and separate funds.-- All funds received for and belonging to the state shall be paid into the state treasury and credited to the general fund except the following, which shall be placed and retained in separate funds:
* * * * *

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None of the exceptions mentioned is applicable. A further provision is:

"No money shall be received or held by the state treasurer except as authorized by law and in every instance he shall issue his receipt for money received and deliver a duplicate of such receipt to the state auditor and no money shall be withdrawn from the treasury except upon the auditor's warrant."

Thus it appears that in so far as the land in question is concerned Chapter 30, Laws of 1949 made no changes with respect to the ownership and disposition of income received from the rental of said land.

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

PJM:f