

Opinion No. 47-5062

August 11, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mr. J. P. Cusak, Assistant District Attorney, Roswell, New Mexico.

{*76} This will acknowledge receipt of your letter of August 7, 1947 in which you request the opinion of this office as to the legality of a contract let by the County Commissioners of Chaves County to the Sheriff of said county to feed prisoners at a flat rate of One Dollar per day per prisoner.

Chapter 13, Laws of 1947 provides that the amount paid for feeding prisoners **shall be the actual cost** and shall not exceed One (\$ 1.00) Dollar. It further specifically provides that no accounts for feeding of prisoners shall be paid unless fully itemized and verified by the Sheriff. It further specifically provides that the allowance for feeding of prisoners **shall be based on actual meals served.**

{*77} In other words, the clear import of Chapter 13, Laws of 1947 is that the amount to be paid the Sheriff of any county for feeding prisoners shall be only for the cost actually incurred in feeding of prisoners.

I am of the opinion that the contract between the County Commissioners of Chaves County and the Sheriff of Chaves County, as above set out, is not legal since it conflicts with Chapter 13, Laws of 1947.

By. WILLIAM R. FEDERICI,

Asst. Atty. General