

Opinion No. 51-5428

September 25, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Horry Payne State Highway Department Santa Fe, New Mexico

{*134} You will recall that the State Highway Department recently inquired of this office as to the disposition of certain funds now being held by it as a result of the application of Chapter 70, Laws of 1951.

It appears that in connection with the liquidation of indebtedness due the State Highway Department under this law, the indebtedness, as of July 1st, 1951, due from the various counties to the State Highway Department was discharged. It appears that several of the counties, after the effective date of this law, drew warrants in favor of the State Highway Department applying the amounts due respectively to them, arising from the road funds, to apply upon their respective indebtedness to the State Highway Department.

Since indebtedness of the respective counties designated in Chapter 70, Laws of 1951, due the Highway Department was discharged by the payment of the funds provided for in said chapter, these counties were no longer indebted to the State Highway Department thereafter. Consequently, any funds which the Highway Department has received from the various counties to apply upon such indebtedness which was discharged should be returned to the respective counties to be placed by them in their respective road funds.

I trust this information will enable you to make appropriate disposition of these moneys.