

Opinion No. 57-241

September 25, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Alfred P. Whittaker,
Assistant Attorney General

TO: Chas. P. Dunwiddie, Acting Director, New Mexico Traffic Safety Commission, P. O.
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QUESTION

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What is the proper procedure for handling, depositing and disbursing gratuities extended the New Mexico Traffic Safety Commission under the provisions of § 64-33-7, N.M.S.A., 1953, P.S.?

CONCLUSION

See opinion.

OPINION

ANALYSIS

Section 64-33-7, supra, provides:

"The commission, with the approval of the governor may accept on behalf of the state of New Mexico any gift, grant or moneys given to the commission for any and all purposes specified in this act. Any special grant shall be held by the state treasurer in a special fund, and shall be expended in accordance with the terms of the gift or grant, upon proper voucher and warrant drawn by the director, and approved by the commission."

Firstly, prior to the acceptance of a gift to the New Mexico Traffic Safety Commission under the above statute, the approval of the Governor must be secured. Upon approval by the Governor, the moneys should be deposited with the State Treasurer. And it is apparent that each gift or grant which differs in its terms and conditions from any other must be set up in a separate fund. Although this may entail additional bookkeeping on the part of the State Treasurer as well as the Commission, this is the only method which we can see will insure that every gift is expended in conformity with the conditions imposed upon it by the donor.

Once the special fund or funds are set up by the State Treasurer, these may be expended upon voucher of the Director, processed in the usual manner. However, each

voucher must be approved by the Commission and the voucher and the warrant should indicate such approval.

Further, we view the moneys in these special funds as a continuing appropriation to the Commission. This obviates the necessity of further legislative action regarding these moneys.