

Opinion No. 59-177

November 2, 1959

BY: Philip R. Ashby, Assistant Attorney General

TO: Mrs. Inez B. Gill Fiscal Analyst Legislative Finance Committee P. O. Box 1688
Santa Fe, New Mexico

{*275} This is in response to your recent request for our opinion clarifying and enlarging upon Opinion No. 59-171, addressed to the Honorable Morris S. Dickinson, State Representative, regarding the authority of the State Highway Commission to set aside highway funds for an investigation of the operations of the New Mexico Highway Department. You now ask us to confirm our oral opinion given at the Legislative Finance Committee meeting of October 29th, in which we stated that the Highway Commission can legally allocate \$ 49,500 to the Legislative Finance Committee for that Committee to make an independent study and investigation, limited only to the Highway Department and all phases of its operation.

In our previous written opinion we stated that the Highway Commission had the authority to spend \$ 49,500 from appropriated funds for the purpose of employing a private investigation firm to investigate the technical aspects of the Highway Department. We are of the opinion that the Constitution and statutory authorities cited in that opinion are broad enough to allow the Highway Commission to allocate such sum of money to the Legislative Finance Committee for such committee to make the independent study and investigation of the Highway Department. If the Highway Commission authorizes this sum to be spent under the complete control of the committee, we are of the opinion that such authorization can be legally made.

We trust that the foregoing fully answers the question you have presented.