

**Opinion No. 13-1128**

October 27, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable William C. McDonald, Governor of New Mexico, Santa Fe, New Mexico.

**GOVERNOR'S CONTINGENT FUND.**

Governor's contingent fund is to be expended at his discretion for public purposes.

**OPINION**

{\*310} I have your letter of even date herewith, in which you ask my opinion as to the use of your contingent fund, submitting two distinct interrogatories. The first of those questions is as to whether you have authority to employ attorneys and incur expenses in cases in which the state is interested, and for which sufficient provision has not been made; while the second is as to whether you have authority to use this fund in paying expenses and wages of special examiners in connection with the Traveling Auditor's office.

From my point of view, a single expression of opinion will be sufficient to answer both of these questions.

The appropriation made by the legislature for your contingent {\*311} fund is of public money and is to be used for public purposes, but as to the public purposes to which it shall be applied, the matter is left entirely to your discretion.

Primarily, I believe it was the intention of the legislature to provide for the special expenses entailed upon you by virtue of your official position, which imposes on you the necessity of attending, personally, upon public functions in different parts of the state, or in the discharge of official duties elsewhere than in Santa Fe, and in paying expenses of official entertainments to the public or to official or distinguished visitors. In addition to this, however, in view of the constitutional provision which makes it your duty to "take care that the laws be faithfully executed," whenever in the discharge of that duty, the expenditure of money is required and no specific appropriation by the legislature has been made there can be no doubt that you can use this money for such a purpose.