

Opinion No. 22-3577

September 12, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Dr. G. S. Lockett, Director of Public Health, Department of Public Welfare, Santa Fe, New Mexico.

County Health Funds Not Subject to Expenditure for Election Expenses.

OPINION

{*177} Complying with your oral request for an opinion regarding the right and authority to use the county health fund for the purpose of paying election expenses and for other general and special county purposes, I wish to advise:

The county health fund as now constituted, is authorized by the provisions of Section 1, Chapter 143, Laws 1921, which was approved on March 12, 1921.

The provisions of law authorizing the payment of expenses incident to the holding of elections from any funds in the county except funds dedicated to the payment of interest and sinking funds, appears as Chapter 126, Laws of 1921, approved March 11, 1921.

Both of the acts were passed by the same session of the legislature and the former was approved one day later than the latter.

The general rule of construction is that statutes passed at the same session should be construed together, if possible, so that both acts may stand in the event of an apparent conflict in their purport.

With this construction in mind, it would appear that the special levy for county health funds should be used only for the purposes provided for in that act and for no other, to-wit: 1, carrying out the health laws, rules and regulations, within the county; 2, employment {*178} of the county health officer; and 3, the employment of additional employes of the county health officer.

I am therefore of the opinion that there is no authority in law for the use of the county health fund for the payment of election expenses or any other general or special county purpose, except that provided for in Chapter 143 and above outlined.