

Opinion No. 23-3733

October 4, 1923

BY: MILTON J. HELMICK, Attorney General

TO: Requested by: Hon. A. T. Hannett, Member State Highway Commission, Gallup, New Mexico.

The Purchase of an Automobile for the Use of a Member of the State Highway Commission is not a Legal Expenditure of State Funds.

OPINION

{*91} This matter arises on the following inquiry:

"Gallup, New Mexico,

October 1st, 1923.

Mr. Milton J. Helmick,

Attorney General,

Santa Fe, New Mexico.

Dear Sir:

Mr. R. C. Sowder, president of the State Highway Commission has purchased a Buick automobile through the Engineering department of the Commission, without the knowledge or consent of the commission.

I have but briefly examined the statutes and cannot find any authority for any member of the Highway Commission to purchase a car out of the State funds.

Kindly investigate this matter and give me your opinion at the earliest date possible.

Yours very truly,

(Signed) A. T. HANNETT."

In my opinion, the expenditure of road funds by a member of the Commission should first be approved by the Commission. Irrespective of the question of approval by the Commission, I am of the opinion that the purchase of an automobile for the use of a member of the State Highway Commission is not lawful and is not a legal expenditure of state funds. The Highway Commission is an administrative body which meets at Santa

Fe at intervals and the compensation and traveling expenses of its members are fixed and specifically limited to 90 days a year by Chap. 38 of the Laws of 1917. I do not believe the nature of the office necessitates or properly calls for the purchase of a state automobile for a Highway Commissioner.