

## Opinion No. 32-349

January 14, 1932

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. Jose D. Sena, Sec'y-Treasurer, New Mexico Bar Association, Santa Fe, New Mexico.

{\*126} We have your letter of January 12, 1932, to which is attached some six vouchers from the Board of Commissioners of the State Bar which vouchers were refused to be honored by the State Auditor and to which he attached a notation. You ask the opinion of this office as to whether or not it is necessary for the members of the State Board of Commissioners to attach receipts for money expended to the vouchers for reimbursements as provided by law for other officials and public officers of this state.

It is my opinion that the position of the State Auditor is absolutely correct. Chapter 100 of the Laws of 1925, relating to the Board of Bar Commissioners, was amended by Chapter 114 of the Laws of 1927. While it is true that you will find a provision therein as quoted by you, said funds are to be disbursed by the order of the officer making the deposit, you will also find the following: "All moneys collected by the Secretary-Treasurer shall be paid by him into the State Treasury, in accordance with the provisions of Chapter 76 of the Session Laws of 1923. The State Treasurer shall keep said money in a separate fund to be known as the State Bar Fund and all moneys of said fund are hereby appropriated out of the treasury of the State of New Mexico for use of the Board of Commissioners of the State Bar for carrying out the purpose of this act to be disbursed on order of the Board."

From the foregoing, it is apparent, in my opinion, that the Legislature intended that all moneys collected by the State Bar Association should and did become public funds, and the Legislature, recognizing such to be true, by said act reappropriated said fund out of the state treasury. It also intended, by direct reference to the Public Moneys Act, Chapter 76 of the **Session Laws of 1923**, to cause said moneys to become state moneys.

Consequently, the laws relating to the disbursement of state funds in this instance must be complied with as in any other instance.

Personally I cannot see where a greater hardship is worked upon the Board of Bar Commissioners in obtaining their receipts and attaching them to the regular form of voucher prescribed by the State Comptroller than would be experienced by any other official or employee of the State seeking to be reimbursed for his expenses in the performance of a public duty or the regular business of his office.

We are returning herewith the {\*127} said vouchers and the notation of the Auditor.