

Opinion No. 35-1172

September 19, 1935

BY: FRANK H. PATTON, Attorney General

TO: Mr. Waldo Spiess, Attorney at Law, Las Vegas, New Mexico.

{*81} I have conferred with the State Comptroller's office with regard to the question as to whether or not the County Commissioners of San Miguel County are entitled to have their expenses of the trip to Denver, Colorado, in connection with the county bond issue paid out of the county courthouse and jail repair fund.

Your attention is called to Chapter 34 of the Laws of 1933, which provides in part that "in no event shall any public official be allowed {*82} or paid any sum whatsoever for transportation, lodging or subsistence for out of state travel on necessary public business, except in such cases when such out of state travel has been first permitted and approved by the Governor of New Mexico in writing." It is our opinion that this provision is applicable to County Commissioners and that such County Commissioners are public officials within contemplation of the statute.

Will you please advise us whether or not the approval of the Governor was obtained in writing before such expenses were incurred. If this authorization was obtained, we will then give you an opinion as to whether or not the expenses may be paid out of the fund in question.

By: J. R. MODRALL,

Asst. Atty. General