

Opinion No. 36-1356

April 30, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Fay Guthrie, Administrator, New Mexico Relief and Security Authority, Santa Fe, New Mexico.

{*115} We have your two letters of April 26th requesting advice from this office on certain matters with regard to your organization.

Your first question is as to the right and liability of your office where county indigent funds are expended for administrative purposes. Chapter 86 of the Laws of 1935 provides that when the New Mexico Relief and Security Authority has a branch office in any county, it shall have the supervision of the spending of the county indigent fund and further provides that said fund shall be expended for the purposes for which it was levied. The County indigent funds are levied under the authority of Chapter 101 of the compiled laws of New Mexico, Compilation of 1929. This chapter provides that the proceeds from the levy be used to make such provisions as the County Commissioners or governing board shall deem proper for the relief of deserving indigent persons who are objects of charity residing within their respective limits. It is our opinion that if a small portion of the county indigent fund is necessary for administering to the persons who are objects of charity that such expenditure is warranted under the provisions of the law.

Your next question is as to whom is the proper authority to release the Director of Child Welfare from her bond after an audit is made. We believe that the Bureau of Child Welfare should make this release rather than the successor in office.

You ask advice as to whom should deposit funds received from the Federal Government for use in the operation of crippled children's service. I believe that this can properly be done by the Director of the Bureau of Child Welfare. It might be well to have a formal resolution passed by the directors of the State Department of Public Welfare authorizing the Director to perform this act.

By J. R. MODRALL,

Asst. Atty. General