

Opinion No. 37-1637

May 10, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. A. D. Brownfield Member of State Legislature Florida, New Mexico

{*92} This is in answer to your inquiry of May 4, 1937, with reference to Chapter 38 of the 1937 Session Laws.

Under Section 3 of that act monies received from grazing fees will have to be paid by the State Treasurer to the counties wherein any portion of the land in the district is located, each county treasurer to receive the monies derived from the lands in his county. In other words, the monies from the five (5) counties composing District No. 3 must be deposited with all five of the county treasurers, pro-rated according to the amount collected from each county in said district.

You also inquire whether under the provisions of Section 4 to the effect that such monies may be used for certain specified purposes "or for purposes for the betterment of the district," the advisory board will have authority to pay therefrom for hiring a surveyor, or hiring a stenographer to do the necessary clerical work, and also to pay the per diem and mileage of the board members.

In my opinion, a survey would come within the provisions expressed by the phrase "for the betterment of the district." The payment of the per diem and mileage, however, and the payment of clerical work would seem to me to come under the heading of administrative expenses. It is my understanding that this board is a part of the administrative set-up provided by the Federal act, and if this is so, I am of the opinion that these monies can not be used to pay those expenses. I do not have the rules under which the advisory board is set up, but will procure them, and if after further study we conclude otherwise, we will advise you.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.