

**Opinion No. 38-1970**

June 9, 1938

**BY:** FRANK H. PATTON, Attorney General,

**TO:** Hon. Jas. J. Connelly State Treasurer Santa Fe, New Mexico

{\*240} This is to acknowledge receipt of your letter of June 8 requesting an opinion upon the validity of proposed expenditures submitted to you by Russell C. Charlton, Adjutant General.

I have carefully examined General Charlton's letter to you, enumerating and detailing the proposed expenditures relative to the calling out of the National Guard to assist in the fight to eradicate grasshoppers in Union County. It appears that his proposal has been approved by the Governor. I have likewise examined the Certificate of Indebtedness executed by Mr. J. O. Garcia, State Auditor, and by you, in the sum of \$ 5,315.00, the amount of proposed expenditure by the Adjutant General for calling out the National Guard as stated above.

We rendered an opinion for General Charlton on June 7, 1938, in which we stated that it was our view that expenditures for running of trucks and necessary repairs for maintenance of trucks would be valid expenditures under Section 12, Chapter 39, Laws of 1931. We called General Charlton's attention to the fact that the repairs would have to be incident to the maintenance of the trucks and could not be permanent in nature. From an examination of the letter of General Charlton, I find nothing in the itemized list of expenditures which indicates that the proposed expenditures will exceed the authority outlined in our opinion. I am enclosing copy of that opinion herewith. We therefore conclude that the expenditures listed can reasonably be said to be covered by Section 12, Chapter 39, Laws of 1931. We also find the Certificate of Indebtedness to be in proper form.

Trusting that this answers your questions, I am

By: RICHARD E. MANSON,

Asst. Atty. Gen.