

**Opinion No. 39-3088**

April 5, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. Wm. M. Townsend, County Commissioner, Hidalgo County, Lordsburg, New Mexico.

{\*32} This office has received your request for an opinion upon the possibility of buying road machinery for the purpose of building secondary roads in the county from the monies received by the State from the United States Government under the Taylor Grazing Act. This law is Chapter 125, New Mexico Session Laws of 1939, and will become effective on June 10, 1939.

The law prescribes that "The Farm and Range Improvement Fund" "shall be expended for the benefit of the county in the conservation of soil and water, the control of rodents and predatory animals and the extermination of poisonous and noxious weeds," and for the construction and maintenance of secondary roads.

In complying with this law it is my opinion that the purchase of some road machinery for the purpose of improving secondary roads would be a proper expenditure.

If you will write the Honorable Rex French, State Treasurer, I believe he will be able to advise you how much money will be available for Hidalgo County in time for you to prepare your **budget** for such expenditures.

By: GEORGE LOUGEE,

Asst. Atty. Gen.