

**Opinion No. 43-4228**

February 11, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. J. D. Hannah, State Auditor, Santa Fe, New Mexico

In your letter dated February 8, 1943, you inquire as to the amount of reimbursement members of the Sheep Sanitary Board are entitled to for attending meetings, etc.

Section 49-806 of the 1941 Compilation being Section 3, Chapter 33, Laws of 1899 provides as follows:

"The members of the board shall not receive any compensation for their services, but their actual necessary expenses in attending the meetings of the board, shall be paid upon their rendering itemized bills therefor, after the same have been audited and allowed by the board."

However, Section 7-108 of the 1941 Compilation being Section 1, Chapter 63, Laws of 1939 applies to all state officers and employees not otherwise provided for in a specific act and specifically provides that no per diem allowances shall exceed \$ 4.00 per day.

Section 10-408 of the 1941 Compilation being Section 1, Chapter 81, Laws of 1935 provides that the maximum rate of mileage allowed and paid from public funds for use of privately owned conveyances on official business chargeable against the state of New Mexico shall be six cents per mile.

Since these two later acts cover specifically the amount that may be paid for mileage and per diem, Section 49-806 of the 1941 Compilation has been amended or superseded to that extent and for that reason members of the Sheep Sanitary Board are only entitled to six cents per mile for the use of personal automobiles on official business and per diem at the rate of \$ 4.00.

By C. C. McCULLOH,

First Asst. Atty. General