

Opinion No. 44-4529

June 15, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. R. F. Apodaca, Superintendent of Insurance, State Corporation Commission, Santa Fe, New Mexico

In your letter dated June 13, 1944, you inquire whether you are authorized to approve out-of-state travel and expenses to be paid from the Fire Protection Fund by a municipality in connection with one week's training of the Fire Chief at Texas A. & M. College.

Section 60-402 of the 1943 Pocket Supplement provides in part as follows:

"Provided that as to municipalities of less than five thousand (5,000) population the words 'maintenance of such fire department, and the purchase and repair of fire apparatus and equipment,' as used herein shall include new buildings housing such a fire department and the expense of firemen, not exceeding the amount of three hundred (\$ 300.00) dollars per year, in attending state, city, town or village schools and conventions for firemen for a period of not to exceed one (1) week per year in the case of state schools and one (1) day a month in the case of city, town or village schools, in addition to all items formerly included within the meaning of said terms."

The \$ 300.00 which may be spent in a year in connection with expenses of firemen attending state, city, town or village schools and conventions for firemen may only be spent in connection with attendance at such schools in New Mexico since the word "state" means the State of New Mexico, and there is no authority for the expenditure of the Fire Protection Fund in connection with training in a school outside the State of New Mexico.

For that reason you have no authority to approve out-of-state travel to obtain training for firemen in a school outside of New Mexico, the expense of which is to be paid from the Fire Protection Fund.

Hoping that the foregoing sufficiently answers your inquiry, I am

By C. C. McCULLOH,

First Asst. Atty. General