

**Opinion No. 45-4650**

February 9, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. R. H. Grissom Educational Budget Auditor Office of State Comptroller Santa Fe, New Mexico

{\*15} We are in receipt of your letter of February 7, 1945, in which you state as follows:

"Section 55-629 of the 1941 Compilation provides:

'The state educational budget auditor and the county budget commissioners shall, from and after the effective date of this act, have the power to set up from the rural maintenance budget of each county a separate fund to be known as the Rural Emergency Building and Repair Fund and which **shall be used only for emergency building and repair purposes**. Said fund shall not exceed one per cent (1%) of the total rural maintenance budget of the county \* \* \*.'

"I have a letter from Rio Arriba County wanting to know if part of this money may be used for equipment and supplies. I will appreciate your opinion on this matter."

You will observe that the section quoted by you provides that such fund "shall be used only for emergency building and repair purposes." Inasmuch as equipment and supplies

This provision, in our opinion, adds the qualification found in Section 51-2424, when construed with could not constitute building or repair, it is my opinion that such funds cannot be used for this purpose.

By ROBERT W. WARD,

Asst. Atty. General