

Opinion No. 45-4688

April 13, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. August G. Seis Secretary State Advisory Council 723 North 4th Street
Albuquerque, New Mexico

{*46} We are in receipt of your letter of April 4, 1945, in which you ask three questions in connection with Chapter 125 of the Laws of 1939, being Section 7-306 of the New Mexico 1941 Compilation. These questions are as follows:

1. Where may the money be spent?
2. How may the money be spent?
3. What endorsements are necessary for the expenditure of this money?

Section 7-306 provides that:

"All money so received * * * shall be expended by the county as herein prescribed **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.** * * * No payment shall be made from said special fund except the same be based on a voucher whereon the items and purposes of the proposed expenditure are stated in detail, and which shall bear on its face the written approval of the president of the New Mexico College of Agriculture and Mechanic Arts, or the person who for the time being is performing the duties of that office; Provided, however, that such approving officer may designate, by written designation filed in the office of the county clerk, some person in the county to give, endorse and sign such approval in his name."

(1) In view of the foregoing, it is my opinion that the Farm and Range Improvement Fund may be spent by the county commissioners of any county anywhere within their county since this section states that it may be expended by the county for the benefit of the county.

(2) The money may be spent for conservation of soil and water, control of rodents and predatory animals, the extermination of poisonous and noxious weeds, and the construction and maintenance of secondary roads.

(3) It is my opinion, in answer to your third question, that the voucher must be drawn by the county commissioners on which the items and purposes of the proposed expenditure are stated in detail, and on the face of which appears the approval of the

president of the A. and M. College, or some person within the county, designated by such president to approve the same.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General