

Opinion No. 46-4957

October 9, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mr. F. G. Healy, State Highway Engineer State Highway Department, Santa Fe, New Mexico

RE: POWER TRANSMISSION LINE FOR STATE POLICE.

OPINION

{*277} We are in receipt of your letter of September 28, 1946, in which you state that the State Highway Commission approved the State Highway Department participating in the construction of a power line to the State Police Broadcasting Station on Sandia Mountains. You gave as {*278} the reason for the Highway Department participating in the plan, the fact that the use of this station would enable the home office to keep in contact with the employees, especially on isolated maintenance patrols, during stormy weather. You also state that often, at present, you have no such contact. You ask our opinion as to whether the State Highway Department may legally participate to the extent of 50% in the construction of such power line.

Section 58-209 of the N.M. 1941 Compilation provides, in part, as follows:

"The Commission shall have charge of all matters pertaining to the expenditure of the State Road Fund, and the construction, improvement and maintenance of public roads and bridges in the State, and shall do all things necessary and expedient in the exercise of such supervision."

It would seem that a determination by the Commission that it was necessary and expedient to maintain contact with employees doing maintenance and other necessary work, would not be unreasonable. Thus, expenditure of money for the installation of a radio station to expedite maintenance or other necessary work, would be an expenditure authorized by law.

It is therefore my opinion that if the necessary money is properly budgeted, the State Highway Commission has the power to participate with the State Police in the construction of the transmission line to the radio station.

By ROBERT W. WARD,

Asst. Atty. General