

**Opinion No. 54-5986**

June 29, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. R. H. Grissom State Treasurer Santa Fe, New Mexico

{\*443} In your letter of June 29, 1954, you advise that the Adjutant General, upon order of the Governor, {\*444} created an indebtedness in the sum of less than \$ 5,000.00 to combat flood emergency in Roswell. There has been submitted to you vouchers and payrolls, certified by the officers commanding the forces called out and approved by the Adjutant General, covering this indebtedness. You inquire as to whether you may issue a certificate of indebtedness to pay this amount, or if not, how such amount shall be paid.

As stated by you, the indebtedness created is of less than \$ 5,000.00. Section 6, Chapter 70, Laws of 1953, provides that in the event the indebtedness is less than \$ 5,000.00, it is to be paid out of moneys available in the State Treasury not otherwise appropriated, and clearly indicates that no certificate is to be issued in such instance unless there are no moneys available in the State Treasury not otherwise appropriated.

You are given broad authority to pay this amount and may look to any moneys in your hands which are not appropriated. If there are no such moneys in an amount sufficient to cover the indebtedness, you must then certify such facts to the Governor, who, in turn, orders the issuance of the certificate in such amount as he may deem necessary.

By: Walter R. Kegel

Assist. Attorney General