

Opinion No. 21-3036

July 8, 1921

BY: HARRY S. BOWMAN., Attorney General

TO: Mr. F. E. Butler, City Attorney, Hot Springs, New Mexico.

Salary of Road Overseers Included in Ten Per Cent Overhead.

OPINION

{*75} In reply to your letter asking if the ten per cent. for overhead expenses to which Road Supervisors are limited by Section 9 of Chapter 133, Laws 1921, the Highway and Bridge Act, should include the four dollars per day provided for as salary for the Road Supervisors in Sub-section 4 of Section 3 of the act, I would advise you:

Section 9 reads in part as follows:

"For such overhead and other expenses of the State Highway Commission in counties where the State Highway Commission contract plan is adopted, and for the compensation of Road Supervisors where the Road Supervisor plan is adopted, but the total expenditure for all of the foregoing purposes in any one fiscal year shall not exceed ten per cent. of the total county road and bridge budget up to and including fifty thousand dollars and five per cent of such budget in excess of fifty thousand dollars, and up to and including seventy-five thousand dollars and two and one-half per cent. of such budget in excess of seventy-five thousand dollars."

From the foregoing it is quite clear that it was the intent of the legislature to include within the ten per cent. for overhead expense the compensation of Road Supervisors provided for by Sub-section 4 of Section 3 of the said law.