

Opinion No. 31-242

July 21, 1931

BY: Frank H. Patton, Asst. Attorney General

TO: Miss Margaret Abreu, Assistant State Superintendent, Santa Fe, New Mexico.

{*97} Reference is made to your letter of July 21st in which you desire an opinion on the following question: "When the Superintendent of a county is permitted by law a certain sum {*98} of money to cover traveling expenses according to the rooms in that county, may that superintendent divide the lump sum into twelve parts and thus receive a specified sum every month regardless of whether any travelling has been done?"

This matter is covered by section 120-407 of the New Mexico Statutes Annotated, Compilation of 1929.

This section, after making provision for the allowance of travelling expenses based upon the number of rooms, further provides as follows:

"Payment for such expenses shall be by voucher and based upon an affidavit of said superintendent stating in detail the rooms visited by him and the date of each visit, accompanied by a school visitation report in such form as may be prescribed by the educational budget auditor."

It is clear from the above that the answer to your question must of necessity be in the negative. Payment of expenses can only be made after visitation and the voucher issued in accordance with the above provisions. Unless the travel has actually been made, then of course there can be no such expense allowed.