

**Opinion No. 35-891**

February 4, 1935

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Alfonso Aguilar, Superintendent of Insurance, Santa Fe, New Mexico.

{\*41} Your letter of February 2nd inquires if, under Section 71-128 of the 1929 Compilation, monies distributed to incorporated cities, towns and villages and covered into the "Fire Protection Fund" may be expended to provide accident insurance for voluntary members of the fire departments.

This law provides, in part, "that such monies shall be expended only for the maintenance of such fire departments and the purchase and repair of fire apparatus and equipment."

A penalty is provided for violation of the act and civil liability upon the part of the guilty person is also provided for monies wrongfully expended.

In our opinion accident insurance would not fall within the above limitations and the answer to your question is, therefore, in the negative.