

**Opinion No. 40-3446**

February 27, 1940

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. Hugh M. Milton II, President of the College N. M. State College of Agriculture and Mechanic Arts, State College, New Mexico.

{\*140} We have your request of recent date with respect to Chapter 125, Laws of 1939.

The procedure which you have been following is, I am sure, correct. The act contemplates that the county commissioners shall seek advice of and cooperate with such officials as those connected with the State College.

Of course, it is evident from the language of the act that the responsibility for the administration of the monies rests squarely upon the county commissioners. You and other state and federal officials connected with the class of work mentioned in the statute may outline and recommend procedure for the county commissioners, but it rests within the sound discretion of the county commissioners whether they should follow such program. The only limitation on the commissioners by the statute is that the money must be expended in the carrying out of one or more of the purposes mentioned in the statute.

On the other hand, it is also clear that no monies can be paid by the county treasurer from this fund except on vouchers approved by you, or by some other person selected by you in writing. Since the responsibility for the administration of the fund is left with the county commissioners, it is clear that by this requirement with respect to payment of money the legislature contemplated your acting in the capacity of an auditing official for this fund.

Though no monies may be paid except upon such vouchers approved by you or your representative, so long as the money is expended in the conservation of soil and water, the control of rodents and predatory animals, and the extermination of poisonous and noxious weeds, or the construction and maintenance of secondary roads, you or your representative cannot refuse the approval of such a voucher listing the items and purposes of the proposed expenditure in detail.

By A. M. FERNANDEZ,

Asst. Atty. Gen.