

Opinion No. 42-4078

April 28, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Rex French State Treasurer Santa Fe, New Mexico

{*189} We acknowledge receipt of {*190} your letter of April 28, 1942, wherein you have requested an opinion of this office as to whether or not you should pay certain warrants which have been drawn by State Auditor E. D. Trujillo, and which were supported by duly certified vouchers presented to him, in payment of the salaries of a number of New Mexico State Patrolmen. You state in your request that it is your belief that, at least as to some of the salaries, the same are in excess of the salaries provided for by Section 9, Chapter 147, Laws of 1941.

Under the provisions of Section 134-401, New Mexico Statutes Annotated, 1929 Compilation, it is made the duty of the state treasurer to "disburse the public money upon warrants drawn according to law and not otherwise." In view of this provision, it is my opinion, assuming that the provisions of Chapter 147, Laws of 1941 have been violated, that you may legally pay the warrants issued if there are funds available, which have been appropriated by the legislature for the payment of salaries to patrolmen of the New Mexico State Police.

By GEO. H. HUNKER, Jr.

Asst. Atty. General