

**Opinion No. 42-4122**

July 21, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Joe B. Garcia Chairman Board of Education Valencia County Los Lunas, New Mexico

{\*221} In your letter of July 17, you submit two questions to this office for an opinion. The questions are:

(1) What is the proper procedure for payment of visitation expenses to a County Superintendent?

(2) Can travel expenses such as attending graduation exercises and attending the New Mexico Educational Association Conventions be paid out of money allowed for school room visitation budget?

By Section 120-407, New Mexico Statutes Annotated, 1929 Compilation, the County School Superintendent is allowed certain visitation expenses, the amount being based upon the rooms visited.

The fact that the Comptroller's office had written you stating that the County Superintendent should send in a statement of actual mileage traveled does not change the basis upon which payment is made. The reason that the Comptroller's Office required the County Superintendent to show the mileage traveled, was to check whether or not the schools were actually visited.

In view of the law above referred to and in view of the Comptroller's Office, your questions are answered thus:

County Superintendents are paid visitation expenses by voucher, based upon an affidavit of the Superintendent stating in detail the rooms visited by him, and the date of each visit, together with school visitation report in such form as may be prescribed by the Educational Budget Auditor. Also, the Superintendent must accompany his visitation report with a schedule of miles traveled from one school to another in accordance with the regulations of the Comptroller's Office.

Travel expenses such as attending graduation exercises and attending the New Mexico Educational Association Conventions cannot be paid out of the money allowed for school room visitation.

Trusting that the above sufficiently answers your request, I remain,

By WILLIAM R. FEDERICI,

Asst. Atty. General