

Opinion No. 44-4471

March 6, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. F. G. Healy, State Highway Engineer, Santa Fe, New Mexico

I have your letter of March 2, 1944, wherein you state:

"At the meeting of the State Board of Finance held on February 28, 1944, a decision was made to request the State Highway Department to advance funds adequate to finance the State Purchasing Agent on condition that the monies be refunded later as the payments are made by the various agencies and institutions of the State who are served by the office of the State Purchasing Agent, except that portion of the expense to be borne by the State Highway Department is not to be refunded."

In view of the foregoing, you request an opinion concerning whether or not there are any legal restrictions which would prevent the State Highway Department from complying with this program.

Under the facts which you outline, it is my opinion that since the monies that are paid out for the State Purchasing Agent are properly appropriated monies, that you can, of course, comply with the request of the State Board of Finance, and, of course, can accept payments made from various agencies and institutions for their proportion of the charges incurred by your department for their benefit.

BY HARRY L. BIGBEE,

Asst. Atty. General