

Opinion No. 46-4836

January 15, 1946

BY: C. C. McCULLOH, Attorney General

TO: Miss Billy Tober Supervisor of Finance Department of Public Health Santa Fe, New Mexico

{*172} In your letter dated January 14, 1946, you refer to Chapter 136 of the Laws of 1945, regarding a State Advisory Council for hospital surveys, and inquire whether it would be possible to pay members of the Advisory Council at the rate of \$ 10.00 per meeting for their services, in addition to reimbursing them for their actual and necessary travel expense and per diem.

Chapter 136 appears as Sections 71-118, 71-119 and 71-120 of the 1945 Supplement to the 1941 Compilation. Section 4 of the Act, being the appropriation, appears in the note following Section 71-120, and provides as follows:

"There is hereby appropriated \$ 10,000.00 out of the General Fund of the State of New Mexico, or so much thereof as may be necessary, to be used for carrying out the purposes of this act."

I believe that the advice and experience of the twelve members of the State Advisory Council will be of great assistance to the Department of Public Health in making its survey and carrying out the purposes of the law. If the Department of Public Health determines that the payment of \$ 10.00 to members attending meetings of the Advisory Council is necessary in order to carry out the purposes of the Act, and if a budget containing provision for such payment is submitted to the State Board of Finance and approved, in compliance with Section 7-401 of the 1941 Compilation, as amended, then I can see no legal objection {*173} to the payment to members of the State Advisory Council of this sum for their services, in addition to paying per diem and travel expenses.