

Opinion No. 47-5049

July 7, 1947

BY: C. C. McCULLOH, Attorney General

TO: R. F. Apodaca Superintendent of Insurance State Corporation Commission Santa Fe, New Mexico

{*67} In your letter of July 7, 1947, you state that after all communities eligible to participate in the distribution of the Fire Protection Fund have received \$ 2,000.00, that a surplus will be left in said fund and you are wondering whether or not you can distribute such surplus to the various municipalities and communities.

Section 60-402 of the New Mexico Statutes, 1941 Compilation, Pocket Supplement, uses this language in part: "Provided further, that the maximum amount to be distributed hereunder to any such city, town, village or unincorporated community shall not exceed the sum of \$ 2,000.00 in any such distributive year."

In view of this maximum limitation on the distribution to any municipality or community, any surplus in the Fire Protection Fund after distribution in accordance with this section, will have to remain in the Treasury until such time as the Legislature makes a different provision for distribution.