

**Opinion No. 55-6241**

July 28, 1955

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. John Block, Jr., Chairman, State Corporation Commission, Santa Fe, New Mexico

We are in receipt of your letter dated July 25, 1955, concerning whether or not the State Board of Finance may increase the appropriation in the Aviation Department of your Commission. You state that the original budget was submitted in the amount of \$ 1500 and \$ 1600 for the 44th and 45th fiscal years and that the Legislature reduced that amount and appropriated the sum of \$ 100.00.

§ 44-1-10 states, in part, as follows:

"All fees previously collected and remaining in the hands of the Commission and all fees which may hereafter be collected under the terms of this act by the Corporation Commission, shall be paid into a fund known as the 'Aviation Contingency Fund', and shall be expended only for the administration of the provisions of this act."

We believe and you are advised that the quoted portion of § 44-1-10 provides a continuing appropriation of the funds of that department and the Appropriation Act for the 44th and 45th fiscal years authorizes an increase of this budget where an emergency is shown. Such funds may be obtained from the funds existing in the Aviation Department.

We sincerely hope this answers your inquiry.

By Fred M. Standley

Assistant Attorney General