

Opinion No. 58-31

February 13, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General

TO: State Board of Finance, Attention of Ben Chavez, Secretary, Capitol Building,
Santa Fe, New Mexico

QUESTION

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Whether or not the monies appropriated in Chapter 235, Laws of 1957 to the State Board of Finance must be divided among the fiscal years specified.

CONCLUSION

No.

OPINION

ANALYSIS

Chapter 235, Laws of 1957 provides an appropriation to the State Board of Finance as follows:

"1. For emergencies and necessary expenses affecting the public welfare \$ 300,000

Provided that such parts of this appropriation shall be made only as needed in the forty-fifth, forty-sixth and forty-seventh fiscal years and disbursements shall be made therefrom only as directed by the governor and the state board of finance. No part of this appropriation shall be included in the levy for state purposes but shall be met from the proceeds of "casual certificates of indebtedness" as provided for by Article 9, Section 7, of the constitution of the state of New Mexico."

You will note that the distribution shall be made as directed by the Governor and State Board of Finance but does not specify that any given portion shall be allotted to the forty-fifth, forty-sixth or forty-seventh, fiscal year. We know of no constitutional or statutory provision affecting this matter. Thus, it is obvious that the monies appropriated may be spent during the three (3) affected fiscal years as determined by the State Board of Finance.