Opinion No. 65-133

July 16, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. C. R. Sebastian, Director, Department of Finance & Administration, Santa Fe, New Mexico, Attention: Mr. Ben Mason, Chief, Budget Division

QUESTION

QUESTIONS

1. May the New Mexico Wing, Civil Air Patrol, expend appropriated funds for salaries?

2. May a member of the New Mexico Wing, C.A.P., be paid a salary by the New Mexico Wing, C.A.P.?

3. May the New Mexico Wing, C.A.P., expend appropriated funds for the professional services of a member of the C.A.P., New Mexico Wing, for serving as Director of the Wing?

CONCLUSIONS

1. Yes.

2. Yes.

3. Yes.

OPINION

{*223} ANALYSIS

Chapter 313, Laws 1965, being the General Appropriations Act, makes an appropriation to the Civil Air Patrol as follows:

"Civil Air Patrol, the sum of $ 16,000"

{*224} It will be noted from this language that there are no restrictions in regard to the expenditure of the funds appropriated to the Civil Air Patrol. The only language which we have been able to find which at any time restricted expenditures was in Chapter 84, Laws 1955, Section 2, wherein the sum of $ 15,000 was appropriated for the 44th and 45th Fiscal Years. Those expenditures were restricted to activities for training purposes, mercy missions, search and rescue missions and for administrative and maintenance

purposes. That section specifically prohibited any money being expended for salaries except for clerical assistance.

The restrictions in Chapter 84 have no application to the appropriation made in Chapter 313, Laws 1965, inasmuch as those restrictions were directly tied to the appropriation to the Civil Air Patrol for the 44th and 45th Fiscal Years.

Finding no such restrictions in the General Appropriations Act for the present fiscal year, it is our opinion that the appropriation to the Civil Air Patrol may be expended for any purpose the Civil Air Patrol desires so long as it is a lawful function and subject to a budget approved by the Department of Finance and Administration.