

## Opinion No. 23-3712

June 14, 1923

**BY:** MILTON J. HELMICK, Attorney General

**TO:** Requested by: Hon. L. B. Gregg, State Bank Examiner, Santa Fe, New Mexico.

**Expenses of State Bank Examiner are to be Paid out of the Contingent Fund of His Office. Section 81, Chapter 67 Laws of 1915 Repealed by Implication.**

### OPINION

{\*64} This inquiry arises under the following circumstances: Chapter 67, Section 81, Laws of 1915 states:

"The State Bank Examiner and his deputy shall be reimbursed out of the salary fund for all expenses necessarily incurred in the actual performance of their duties, upon vouchers therefor properly itemized, verified and filed with the State Auditor."

{\*65} It appears that this section of the law has never been repealed and the question now arises whether it is proper that expense vouchers should be charged to the contingent appropriation provided in the general appropriation bills of 1921 and 1923.

Section 81 above quoted is a peculiar provision and a very unreasonable one, and while it has never been specifically repealed I think that it is clearly repealed by the appropriation acts mentioned which contain contingent fund appropriations for the State Bank Examiner's office. I think it was clearly the intention of the legislatures of 1921 and 1923 that the necessary expenses incurred by the Bank Examiner and his deputies, in the performance of their duties, shall be paid out of the specific appropriations contained in the 1921 and 1923 appropriation acts, and I think that this clearly expressed intention is a repeal of Section 81, Chapter 67 of the laws of 1915. It seems to me that it would be absurd to pay these vouchers out of the salary fund in accordance with the 1915 laws in the face of specific appropriations made for these expenses in the 1921 and 1923 laws.

It is my opinion that the expense vouchers should be chargeable to the contingent appropriation.