

## Opinion No. 31-157

May 13, 1931

**BY:** Frank H. Patton, Assistant Attorney General

**TO:** Honorable Arthur Seligman, Governor of New Mexico, Santa Fe, New Mexico.

{\*74} Reference is made to our conversation this morning, regarding the appropriation made for the Interstate River Commissioner.

This Act is Chapter 28 of the Session Laws of 1929 and is a special act for the purposes set forth therein. The Governor, by this enactment, is empowered to negotiate compacts with other states to settle interstate controversies on interstate streams, to match appropriations made by Congress of investigations looking to the development of interstate streams and to institute or cause to be instituted all negotiations or legal proceedings, as in his judgment may be necessary for the protection of the right of the state in and to the waters of such interstate streams.

The Governor is authorized to appoint an Interstate River Commissioner and to employ engineers, clerical {\*75} aid and attorneys, as in his judgment may be necessary to carry out the provisions of the act.

The appropriations is in the sum of \$ 25,000.00, or so much thereof as may be necessary, and the provisions of the appropriation, as provided by the act, is to "comply with, fulfill and carry out the purposes and intention of the act."

In our opinion, so long as this statute is not repealed and inasmuch as it is an act of special application, any balance remaining unexpended of the original appropriation is subject to use for the purpose of the act, and for which the original sum was appropriated. It is our further opinion that this sum is not only available for use at this time, but will continue to be available even after the beginning of the new fiscal year, and the said fiscal year is of no consequence in so far as this appropriation or any unexpended balance is concerned.