

Opinion No. 44-4503

April 25, 1944

BY: EDWARD P. CHASE, Attorney General

TO: Mr. J. D. Hannah, State Auditor, Santa Fe, New Mexico

In your letter, dated April 21, 1944, you refer to Section 51-1622 of the 1941 Compilation, which provides that members of the State Barbers' Board shall be entitled to eight cents per mile for use of personal cars on official business. On the other hand, the General Appropriation Act, Chapter 127, Laws of 1943, Section 11, pertaining to travel by State officers and employees, limits travel allowance to six cents per mile. You inquire which statute should govern in allowing claims submitted by the Barbers' Board.

Section 10-408 of the 1941 Compilation provides that mileage for the use of personal cars shall be limited to six cents per mile, and makes an exception in case of sheriffs and peace officers, who are allowed eight cents per mile.

Chapter 220, Laws of 1937, which is Section 51-1622 above mentioned, was approved subsequent to Section 10-408, and the allowance of eight cents per mile would constitute an additional exception to the general mileage act above mentioned.

However, since the General Appropriation Act of 1943 is the last legislative declaration, and since it specifically limits state officers and employees to a mileage allowance of six cents, the same is repugnant to the provisions of the special Barbers' Act, allowing eight cents per mile and, during the two year period covered by the Appropriation Act, would supersede the eight cents per mile allowance.

It is therefore my opinion that the General Appropriation Act would govern in its limitation of six cents per mile, and that the members of the State Barbers' Board are limited by the act during the period of its legal existence, which is the two years covered by the Appropriation Act.

Hoping that the above fully answers your inquiry, I am

By C. C. McCULLOH,

First Asst. Atty. General