

Opinion No. 45-4712

May 10, 1945

BY: C. C. McCULLOH, Attorney General

TO: Miss Billy Tober Supervisor of Finance Department of Public Health Santa Fe, New Mexico

{*64} We are in receipt of your letter of May 10, 1945 in which you state that you have been requested by the State Board of Public Health to request an opinion on the following matter:

Section 71-107 of the 1941 Compilation sets the salary of the Director of the State Department of Public Health at \$ 4500 a year. The 1945 Appropriations Act, which will become effective July 1, 1945, appropriated \$ 4800.00 for the salary of the director. You ask our opinion as to whether or not the statute should be followed and the director paid \$ 4500.00, or whether the Appropriation Act should be followed and the director paid \$ 4800.00.

I enclose herewith copy of Opinion No. 4331 ruling on the specific question raised by you. It was there held that where there was an appropriation of a salary made by a statute and a larger sum appropriated, that the Appropriation Act, being the last act of the Legislature, would supersede the statute so that the amount set forth in the Appropriation Act should be paid the officer involved.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD,

Asst. Atty. General