

**Opinion No. 45-4754**

July 18, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. R. F. Apodaca Superintendent of Insurance State Corporation Commission  
Santa Fe, New Mexico

{\*106} I have your letter of July 10, 1945 requesting an opinion concerning Chap. 116, Laws of 1945.

Concerning Section 4, you ask whether or not the appropriation therein is a continuing appropriation; also, whether or not the \$ 2,000, provided in Section 3 for the payment of necessary expenses for carrying out the provisions of this act, may be expended, in part, for stenographic services.

In response to your first question: Section 3 of the act, which provides that each member of the Insurance Board shall receive as compensation the sum of \$ 2,000 a year, would indicate a continuing appropriation within the rule adopted by our Supreme Court in the cases of:

State ex rel Fornoff v. Sargent, 18 N.M. 272, 136 P. 602;

State ex rel Chaves v. Sargent, 18 N.M. 627, 139 P. 144; Dorman v. Sargent, 20 N.M. 413, 150 P. 1021.

However, Section 4 specifically provides, in part, as follows:

"There is hereby appropriated the sum of \$ 8,000 for each of the 34th and 35th fiscal years for carrying out the provisions of this act. \* \* \*"

This provision is inconsistent with the theory of a continuing appropriation beyond the actual period specified, which is the 34th and 35th fiscal years, and therefore it is my opinion that this act will require an additional appropriation following the 35th fiscal year.

In answer to your second question, it is my opinion that stenographic services are a necessary expense for carrying out the provisions of the act involved, and therefore the Board may properly authorize the payment of a portion of the \$ 2,000 appropriated for necessary expenses, for the payment of clerical or stenographic services.

By HARRY L. BIGBEE,

Asst. Atty. General