

Opinion No. 45-4780

August 27, 1945

BY: C. C. McCULLOH, Attorney General

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

{*125} I have your letter of August 17, 1945 wherein you request an opinion of this office concerning the power of the Contractors' License Board to refund the amount of the license fee which was paid by an applicant who died shortly after making application for license. The proposed refund is to the daughter of the deceased.

{*126} Upon checking the Contractors' License Law, it is noted that there is no provision authorizing a refund. Therefore, since such amount has been paid into the State Treasury, it cannot under our Constitution be refunded without an appropriation.

By HARRY L. BIGBEE,

Asst. Atty. General