

Opinion No. 46-4917

July 1, 1946

BY: C. C. McCULLOH, Attorney General

TO: Thomas M. McClure Secretary Interstate Streams Commission Office of State Engineer Santa Fe, New Mexico

{*243} In your letter dated July 1, 1946, you refer to Chapter 24, Session Laws of 1935, in which a continuing appropriation is made for the "water reservoir for irrigating purposes income fund." You also refer to Chapter 139 of the Laws of 1945, in which the Legislature restricted the expenditure from this fund for the two fiscal years ending June 30, 1947, to the sum of \$ 67,000.00 per annum. You inquire whether your budget can be set up under the continuing appropriation or under the appropriation bill of the 1945 Legislature.

Sections 77-3305 and 77-3306 of the 1941 Compilation provide for the expenditure of monies available within the budget submitted to and approved by the Governor, and all monies in the income fund are annually appropriated for that purpose. However, Section 1 of Chapter 139 of the Laws of 1945 provides as follows:

"Such amount shall be appropriated from the water reservoirs for irrigation purposes income fund, as may become necessary for the 34th and 35th fiscal years, not to exceed \$ 67,000.00 per annum."

Since Chapter 139 is a later enactment of the Legislature on the same subject matter, it would supersede the earlier appropriation law for the two years during which it is effective and for that reason your budget for these two years {*244} would be limited to the sum of \$ 67,000.00 per annum from the income fund.