

Opinion No. 55-6205

June 27, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. L. W. Leibrand, Chairman, New Mexico Public Service Commission, Santa Fe, New Mexico

On June 2nd we received an inquiry from you concerning the provisions of Chapter 97, New Mexico Session Laws of 1955, which Act sets up the Liquefied Petroleum Gas Commission, and which Act provides:

"The unexpended portion of all fees and monies remaining in the liquefied petroleum gas fund created under the provisions of Laws of 1947, Chapter 214, Section 9 (Section 65-7-9) upon the effective date of this act shall be transferred to the credit and for the use of the commission in defraying salaries and other expenses."

You inquire whether or not this term includes personal property, equipment and supplies. It is our opinion that this section requires you to only turn over to the Liquefied Petroleum Gas Commission, the funds remaining in the Liquefied Petroleum Gas Fund and does not require you to deliver to them any property, equipment or supplies owned by your Commission, regardless of which fund such property, equipment or supplies was purchased from, and that you would only be authorized to turn over such property, equipment or supplies if by reason of the decrease in duties brought about by the transfer of the Liquefied Petroleum Gas Fund from your jurisdiction such property, equipment and supplies have become surplus. In the event such is the case, the proper method of delivering the items would be by transfer from your inventory to their inventory through the Office of the State Comptroller.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assistant Attorney General