

Opinion No. 56-6355

January 17, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: C. R. Sebastian, State Budget Director, Santa Fe, New Mexico

On January 11, 1956, you inquired of this office as to whether or not the State Racing Commission can have an increase in its budget, as approved by the General Appropriations Act (Ch. 287, L. 1955). As you have noted in your letter, the budget of the State Racing Commission is included in Section 1 of that Act, which section does not permit of increase in the total appropriation by the State Finance Board. There is, however, provided in that budget an item listed "8, Other, State Fair Grant."

There is no provision in the General Appropriations Act which would prohibit the redistribution and rebudgeting of items within any given appropriation when such action is approved by the State Finance Board. Therefore, the State Fair Grant provided may be used for salaries or other items in that budget, if such action is approved as provided by law.

We sincerely hope this answers your inquiry.

By Fred M. Standley

Assistant Attorney General