

Opinion No. 56-6434

April 30, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Guy Mayes, Contractors' License Board, P. O. Box 1179, Santa Fe, New Mexico

You have asked this office the question:

What is the proper manner for transferring into the State General Fund the 5% of the appropriations to the various Boards under Section 5, Chapter 287, Laws of 1955?

That Section in part, provides:

". . . Provided that each board shall budget and pay into the State General Fund five per cent (5%) of the total amount appropriated for each fiscal year."

This office, on May 10, 1955, in Opinion No. 6157, ruled that the similar 5% provision contained in Section 8, Chapter 287, Laws of 1955, amounted to an extra appropriation for each Department in an extra amount of 5% of the appropriation. A Copy of that opinion is enclosed for your information.

Now the manner in which the 5% has been customarily transferred into the General Fund, has been to take 1/12th of the 5% each month and transfer it into the State General Fund during the fiscal year in question. As regards your Board, and others similarly situated, the transfer each month is made from the account of each Board. This customary procedure is, in the opinion of this office, the proper and legal way to effect the transfer of this item.

I trust the above answers your inquiry.

By: Santiago E. Campos

Assistant Attorney General