

Opinion No. 57-99

May 14, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Mr. Frederic G. Comstock, State Budget Director, State Capitol Building, Santa Fe, New Mexico

QUESTIONS

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Does the appropriation of \$ 52,625.00 to Probation Officers for the 45th fiscal year, as appropriated by the 1955 General Appropriation Law, being Laws of 1955, Chapter 287, Section 1, serve as a continuing appropriation of such amounts and for such purpose for the 46th and 47th fiscal years by virtue of Section 9 of the Laws of 1955, Chapter 287?

CONCLUSION

Yes.

OPINION

ANALYSIS

In the 1955 General Appropriations Act at Section 1 thereof the above appropriation was made to Probation Officers for both the 44th and 45th fiscal years. No appropriation was made to Probation Officers by virtue of the 1957 General Appropriations Law or by virtue of a Special Appropriation Law. In fact, House Bill No. 27 of the Twenty-Third Legislature would have appropriated funds to Probation Officers, but the same was vetoed by the Governor. Laws of 1955, Chapter 287, Section 9 reads as follows:

"The same appropriations, with the same extensions and limitations as are indicated in this Act for the forty-fifth fiscal year are hereby declared to apply and to be continued to every fiscal year subsequent to the forty-fifth fiscal year unless otherwise provided by law."

Insofar as Probation Officers are concerned, it is our opinion that Section 9 serves as a continuing appropriation to such officers for the 46th and 47th fiscal years inasmuch as there is no other appropriation provision for such officers "otherwise provided by law." The amount of the appropriation is \$ 52,625.00 for each fiscal year.