

Opinion No. 52-5557

July 2, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Dr. Frederick F. Blachly Director State Reorganization Committee Post Office Box 1411 Santa Fe, New Mexico

{*268} Recently you requested from this office an opinion as to whether the State Reorganization Committee may continue to exist legally after June 30, 1952.

{*269} There is nothing in Chap. 140, Laws of 1951, the act creating the State Reorganization Committee, which specifically limits the "life" of the Committee to June 30, 1952. However, inasmuch as the Committee gained its existence from Chap. 140, said chapter must also be looked to for legislative intent as to when its functions and life should terminate.

Section 6 of the Act appropriated \$ 25,000 for the two fiscal years ending June 30, 1952, for the purpose of paying the expenses of the Committee. The mere fact that the Legislature fails or neglects to appropriate funds for an agency beyond a certain date does not necessarily mean that the intention was that such agency should cease to exist after that date. The Economic Development Commission is a good example of a case where an appropriation lapsed but the agency continued to exist. Such limit to an appropriation is, however, some evidence of legislative intent and is a factor to be considered.

There is, moreover, in the case of your Committee, another indicium of legislative intent concerning the termination of the Committee's existence, in addition to the fact of a limited appropriation. Section 4 of the Act enumerates the duties of the Committee which consist of investigatory and research projects relating to the reorganization of the State's government. Furthermore, it is clear from Section 5 that the result of this investigation, study and research is to be embodied in a report, required by this section to be submitted to various state officers by June 30, 1952. It is my opinion that the legislative intent is shown to be that with the submission of this report, the Committee shall cease to exist. It is to be noted that the Act makes no provision, nor does it seem to contemplate the existence of the Committee in a legislative advisory capacity after the submission of such report. This is not to say, of course, that individual former members of the Committee could not be called into consultation on matters pertaining to drafting of the proposed legislation. Their services in this connection would be, obviously, most welcomed and helpful. However, as I have stated above, it is my opinion that the existence of the State Reorganization Committee, as a committee, ceases with the submission of the report required by Section 5.

It is also my opinion, however, that the Committee will have legal existence up until the time the report mentioned in Section 5 is completed. I understand that this report is now

in its final stages of preparation before submission. In my opinion the "June 30, 1952" provision of Section 5 is directory merely, and that therefore the life of the Committee is to extend for a reasonable length of time after June 30 to allow a completion of this report.

I trust that this opinion answers fully all your questions on this subject.