

Opinion No. 54-5989

July 14, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Charles C. Royall, Chairman Interim Committee on Community Property New Mexico Legislative Council Santa Fe, New Mexico

{*445} In your letter dated July 9, 1954, you state that you are Chairman of the Interim Committee to make a study of community property problems and make recommendations to the next Legislature, established under Senate Resolution No. 3 of the last Legislature. Your Committee has about completed its work and desires to have printed a sufficient number of copies of the report for use by the next Legislature but do not have funds available with which to pay for such printing. You inquire whether the State Board of Finance could allocate funds for this purpose without violating the provisions of the Appropriation Act of 1953.

In the appropriation to the State Board of Finance, in Section 1 of Chapter 156, Laws of 1953, under Item No. (3), appears the sum of \$ 100,000.00 for the 43rd fiscal year, and as a part of this appropriation there appears the following language:

"Provided that item 3 shall be set up as needed and disbursements therefrom shall be made only with the approval of the state board of finance and the governor and that no part of said item 3 shall be used for salaries or to supplement appropriations made in this Act."

Section 18 of the Appropriation Act of 1953 provides as follows:

"No funds shall be allocated by any state administrative body to any state department, institution, board, commission or other agency created by statute for which no appropriation has been made by the twenty-first legislature."

Since the Interim Committee was established by a Senate Resolution, it is apparent that it is not a state agency created by statute for the reason that the resolution of one house does not have the legal effect of being a statute. This Committee received no appropriations in the 1953 General Appropriation Act, and it is, therefore, our opinion that said Appropriation Act does not prohibit the State Board of Finance from allocating the funds that may be necessary, from its emergency funds, {*446} to have the report of the Committee printed and copies distributed.

By: C. C. McCulloh

Assist Attorney General