

Opinion No. 60-65

April 12, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Donald LaNoue Assistant Director State Park Commission P. O. Box 958 Santa Fe, New Mexico

QUESTION

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If an appropriate lease arrangement is not made with the Bureau of Reclamation or other agency in charge of Alamogordo Lake prior to July 1, 1960, will the \$ 15,000.00 appropriated under Chapter 336, Laws of 1959, Section C, for the 47th and 48th Fiscal Years revert to the General Fund?

CONCLUSION

Yes.

OPINION

{*422} ANALYSIS

Chapter 336, Laws of 1959, Subsection C, appropriates for Alamogordo Lake the sum of \$ 15,000.00 for the 47th and 48th Fiscal Years and the sum of \$ 15,000.00 for the 49th Fiscal Year. It further provides:

". . . that the appropriation for Alamogordo Lake shall be expended only after approval of the state board of finance {*423} in the event an appropriate lease arrangement can be made with the bureau of reclamation or other agency in control of Alamogordo Lake, otherwise, the appropriation for Alamogordo Lake shall revert to the general fund."

Two conditions are established by this language before the appropriation for the 47th and 48th Fiscal Years can be expended: (1) that an appropriate lease arrangement be made with the Bureau of Reclamation or other agency in control of the Alamogordo Lake, and (2) approval of the State Board of Finance. We interpret this language to mean that the submission to the State Board of Finance for approval is, itself, conditioned upon entering into an appropriate lease arrangement.

If no lease arrangement is entered into by the first day of July, 1960, no approval can be forthcoming from the State Board of Finance and, consequently, the money cannot be expended. The unexpended sum of \$ 15,000.00 would, therefore, revert to the General Fund on that date.

By: B. J. Baggett

Assistant Attorney General