

Opinion No. 67-105

September 6, 1967

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: James L. Dillard, Director State Park and Recreation Commission P.O. Box 1147
Santa Fe, New Mexico

QUESTION

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May the State Park and Recreation Commission spend proceeds from revenue bonds authorized by Chapter 142, Laws of 1967, for the purpose of a feasibility study to determine if a potential lake site is feasible to develop into a boating lake?

CONCLUSION

No.

OPINION

{*154} ANALYSIS

Chapter 142, of the Laws of 1967 authorized the State Park and Recreation Commission to issue revenue bonds in an aggregate amount not to exceed \$ 550,000 whenever the Commission by resolution determines that the public interest or necessity demands the construction, improvement and furnishing of boating and related facilities. Section 2, of Chapter 142, Laws of 1967 provides as follows:

"The proceeds of any revenue bonds shall be used **solely** to construct, improve and furnish boating and related facilities in this State under the jurisdiction of the State Park and Recreation Commission." (emphasis supplied)

The first question that must be {*155} answered is whether under the above quoted language the State Park and Recreation Commission may issue revenue bonds to develop a potential lake site into a boating lake. We believe that it was the intention of the Legislature to authorize the issuance of the above bonds to construct, improve and furnish boating facilities at existing lakes. We therefore must conclude that the proceeds of the sale of the above bonds may not be used to develop a potential lake site into a boating lake. It follows then that bond monies may not be spent to determine whether or not it is feasible to construct a boating lake.

OPINION NO. 67-106 -- NOT ISSUED.

By: Gary O'Dowd

Assistant Attorney General