

**Opinion No. 20-2495**

February 24, 1920

**BY:** HARRY S. BOWMAN, Assistant Attorney General

**TO:** Captain J. E. Reinburg, La Union, New Mexico.

Termination of Prior Appropriations by General Appropriation Act of 1917.

**OPINION**

The letter which you left in this office asking for an opinion regarding the application of Chapter 57, Act of 1905, on that part of the Appropriation Act of 1917, which terminates all appropriations theretofore made, contains a signature which we are unable to decipher. We are therefore addressing our reply to you.

This office has repeatedly held that the appropriation to the Elephant Butte Water Users' Association of ten per cent upon all the net income in the Rio Grande Improvement Fund and the Permanent Reservoir Fund was included with all other appropriations within the meaning of the clause above mentioned from the appropriation act of 1917, and that the same was therefore terminated by that provision for the period subsequent to December 1, 1919.

We have advised both the State Engineer and the State Auditor to this effect, and believe that the views as expressed to them are correct.

We note the suggestion in the letter to you that the part of the Appropriation Act of 1917 was intended to apply only to "state moneys" appropriated by previous legislatures. By state moneys we assume the writer intended to mean moneys raised by state levies. In our opinion the moneys which accumulate in the state treasury as a result of the sale or lease of state lands granted to the State of New Mexico (or the Territory) by Congress are as much "state moneys" as moneys which are received by a direct tax upon the property of the citizens of the state, and that therefore there can be no difference between those moneys and any other state moneys derived from any other source.

We are returning to you herewith the letter from your correspondent.