

Opinion No. 37-1800

October 25, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. W. C. Oestreich Chief Engineer Middle Rio Grande Conservancy District
Albuquerque, New Mexico

{*173} I am in receipt of your letter of October 23rd, together with copy of letter from Messrs. Hanna, Wilson and Brophy relative to reports to the State Comptroller by the Middle Rio Grande Conservancy District.

I am very much interested in the reasoning of these gentlemen but upon checking the Conservancy Act of 1923, particularly Section 30-527, I find that the provision has been misquoted in the letter.

This provision, paragraph 2 of the act, was quoted in part by Judge Hanna to read as follows:

"Thereupon, the Court shall order an audit of said accounts by competent public accountants who shall file a report thereon with the Clerk, which audit shall be in lieu of and fulfill all purposes **of accounting** which shall be required for all civil subdivisions of the State."

(Underscoring ours)

This provision, as it appears in the 1929 Compilation, reads as follows:

"Thereupon the court shall order the auditing of said accounts by competent public accountants, who shall file their reports thereon with the clerk, which audit shall be in lieu of {*174} and fulfill all purposes of any **audit** now required by law for any similar political subdivision of the state." (Underscoring ours)

It is readily apparent that there is a vast difference in the language of these two above quotations. Any of the political subdivisions of the state have a right under the law to make independent audits or such audits may be made by the office of the State Comptroller. It is an audit of this nature to which the provision quoted has reference.

The auditing of a political subdivision is a radically different thing from the accounting system of such political subdivision.

Perhaps Judge Hanna has in mind some different provision of the Conservancy Act other than Section 30-527 of the 1929 Compilation. If so, I will be pleased to give his view point further consideration but just at present I am unable to find it.

In view of the foregoing, it is my opinion that the statements set forth in my letter of October 19th should be affirmed and that the Middle Rio Grande Conservancy District should, as other political subdivisions of the state, make the required reports to the office of the State Comptroller.