

**Opinion No. 41-3726**

February 21, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. C. R. Anderson City Attorney Carlsbad, New Mexico

{\*39} I have discussed with the State Comptroller the question of whether or not the City of Carlsbad may properly pay the Citizens' Committee who subscribe funds to procure lands for the airport in contemplation of a bond election and a bond issue, and whether the same may be properly paid out of the bond issue.

We have come to the conclusion that such a payment would be proper, the same being equivalent to purchasing the ground for the airport, if the bond election included acquisition of such lands.

Whether or not the city would be legally liable and could be forced to pay would depend, of course, on other considerations which we are not called on to decide. This opinion is limited to the question with which the Comptroller would be concerned, to-wit: the propriety of making such disbursements if desired by the city.

By A. M. FERNANDEZ,

Asst. Atty. Gen.