LAW LIBRARY
ARIZONA ATTORNEY GENERAL

June 12, 1939.

Louis J. Saxe, M. D.
Superintendent, Arizona State Hospital,
Phoenix, Arizona.

Dear Sir:

Governor Jones has referred to us for our opinion your letter of May 18, asking the construction of Chapter 75, Session Laws, 1939, Section 2, sub-section 2d thereof. The sub-section reads: "equipment for new building $15,000."

You asked first whether this money reverts to the general fund. Section 2614, Revised Code of 1928, reads, as follows:

> "When a general appropriation shall be made for the ordinary and contingent expenses of the state government, for the several offices and other agencies, all balances, except the balances for roads, buildings and the university of Arizona, shall be discontinued at the close of the fiscal year next after the adjournment of the legislature, except the portion encumbered, and shall no longer be applicable to the purposes of the original appropriation. Each department head shall on the thirtieth day of June in each year, present to the governor and auditor a detailed report showing outstanding obligations contracted against any balance, payment of which must be made within ninety days after the close of the fiscal year."

Construing this section with reference to the instant case, we are of the opinion that such sum as is listed under Section 2, sub-section 2d, of this bill would revert July 1, 1939 to the general fund unless encumbered, in which latter case notice of such encumbrance would have to be given on June 30, as required in the last sentence of Section 2614. We do not believe that the appropriation in Section 2, sub-section 2d, falls within the exception mentioned in Section 2614 which states that balances for roads, buildings and the university of Arizona do not revert. We limit this opinion specifically to the situation as to the appropriation contained in said Section 2, sub-section 2d.

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As to your second proposition, we are of the opinion that all items which have any reasonable connection with the equipping of the new building may be properly paid for out of the appropriation contained in said sub-section 2d, provided an obligation to pay for same is incurred prior to June 30, 1939. Within the term "equipment for new buildings" we believe the following to be proper: Furniture, asphalt tile, laundry washing machine, a drinking fountain, glass ware, and kitchen utensils, dough mixing machines, steam kettle, bake ovens, juicers, and other culinary instruments. We do not believe that the purchase price of an automobile may properly be paid out of this appropriation.

Trusting this opinion may be of some assistance in the matter, we are

Yours very truly,

JOE C. NEAY,
Attorney General.

LIN CRUM, JR.,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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