

February 10, 1947

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Honorable Robert M. Forbes,
House of Representatives,
Phoenix, Arizona.

Dear Sir:

We acknowledge receipt of your letter of February 3, 1947 in which you request our opinion on House Bill 31, the specific question being:

"Does the combination of privately contributed and Society controlled properties and of state owned and controlled properties and appropriations constitute a legal difficulty?

Many of the Society's most valuable exhibits and collections have been contributed on the understanding that they are to remain under Society control as a separate class of properties, and I desire, if possible, to protect these donors in their understanding."

Subsection (e) of Section 1 amending Section 7-101, A.C.A. 1939 specifically provides that the board of directors shall hold in trust for the use of the society all property not acquired through the use of state funds. This provision would seem to protect the exhibits which have been contributed by private donors in that such exhibits would remain under society control.

A possible discrepancy appears in House Bill 31 in that expenditures of state appropriations are limited by said subsection (e) to the payment of salaries to personnel and for the purchase of equipment and office supplies. Section 3 of this measure would make an appropriation to the Historical Society building fund conditioned upon being matched by Society funds. Whether or not this is limited by the above provision of Subsection (e) is not made clear by the bill and this question may present certain legal difficulties.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General

BURR SUTTER
Assistant Attorney General

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