

Aldrich  
Daniels  
N. Green

February 24, 1955  
Letter Opinion  
No. 55-31-3

Mr. A. E. Gomes  
Purchasing Agent  
Arizona State Prison  
Florence, Arizona

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Dear Mr. Gomes:

For the purpose of the following conclusions, your inquiry of February 18, 1955, is expressed as follows:

May the Arizona State Prison construct buildings on land already owned by the Prison from funds appropriated by legislative enactment and referred to in Chapter 141, Senate Bill 107, Laws of 1951, Section Two?

The section referred to makes a specific approval for the expenditure of \$230,900.00 for five enumerated items not pertinent to this inquiry. The Act, however, refers to an earlier appropriation, which is in language as follows:

"Be it enacted by the Legislature of the State of Arizona:

Section. 1. APPROPRIATION. The sum of Three hundred fifty thousand dollars (\$350,000.00) is appropriated to the Arizona state prison.

Sec. 2. PURPOSE. The purpose of said appropriation is for the purchase of land and construction of buildings. No funds shall be expended from said appropriation until approved by the legislature.

Sec. 3. EXEMPTION. This Act shall be exempt from the provisions of section 10-930, Arizona Code of 1939, as amended, relating to lapsing appropriations.

Approved by the Governor--March 25, 1949.

Filed in the office of the Secretary of State--March 28, 1949."

Chapter 95, House Bill No. 281, Laws of 1949.

The above quoted section constitutes an appropriation for the purpose of land and construction of buildings. No specific purposes other than those detailed are outlined. Presumably,

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there remains \$119,000.00 of this original appropriation.

It is our conclusion, there is no restriction on the expenditure of this sum except that it be used either for land or building construction and except, of course, the reservation that no sum whatsoever shall be spent from this appropriation until it is first approved by the Legislature.

To summarize, it would be proper to spend all or any part of the sum for the construction of new buildings, on land already owned by the Prison and not purchased from this appropriation, if such construction is approved by the Arizona Legislature.

Yours very truly,

ROBERT MORRISON  
The Attorney General

By:

GORDON ALDRICH  
Assistant to The  
Attorney General

GA:hb