

Opinion No. 59-198

December 11, 1959

BY: OPINION OF HILTON A. DICKSON, JR., Attorney General

TO: Dr. Donald C. Moyer Executive Secretary State Board of Educational Finance P. O. Box 1616 Santa Fe, New Mexico

QUESTION

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Does the restriction on out-of-state travel provided in Chapter 288, Laws 1959, applying to the Board of Educational Finance apply only to out-of-state travel financed entirely by state funds?

CONCLUSION

Yes.

OPINION

{*308} ANALYSIS

The portion of Chapter 288, Laws 1959 to which you refer reads as follows:

"The Board of Educational Finance shall establish standards and regulations governing out of state travel that expenditures for this purpose shall not exceed 1958 - 1959 level of out of state travel expenditures."

The question involves the determination of whether this limitation applies to state funds only and not to out of state travel financed entirely by federal funds. The only interpretation which can logically follow from the restriction above quoted is that such restriction applies only to funds appropriated to your board under Chapter 288, Laws 1959, being state funds.

It is a well known principle of law that appropriation acts have no substantive application except insofar as the funds therein provided or appropriated are concerned. That is to say that they do not have general application as do general statutes on questions of law not involving expenditure of funds appropriated in the appropriation act containing the restriction.

The logical conclusion is, therefore, that this restriction cannot apply to federal funds since it only controls expenditures appropriated by the State Legislature in Chapter 288.

It should be noted that compliance with all existing federal requirements governing expenditure of these funds if any, would have to be met.

By: Boston E. Witt

Assistant Attorney General