

Opinion No. 65-145

August 4, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General Roy G. Hill, Assistant Attorney General

TO: Mr. John A. Elliott, Director, State Park and Recreation Commission, P.O. Box 1147, Santa Fe, New Mexico

QUESTION

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Does the New Mexico State Park and Recreation Commission have the necessary legal authority to receive and expend federal funds made available through the Bureau of Outdoor Recreation out of the Land and Water Conservation Fund? The money is to be used for the construction of a permanent improvement within a State Park.

CONCLUSION

Yes.

OPINION

{*242} ANALYSIS

Subsection B of Section 4-9-17, N.M.S.A., 1953 Compilation (P.S.) provides as follows:

"B. The state park and recreation commission shall be authorized to enter into agreements and contracts and to cooperate with the federal government in obtaining funds or other assistance for the **acquisition, erection, maintenance and operation** of state parks and recreation areas. (Emphasis added).

In our opinion the emphasized language would include a project to construct a permanent improvement within a state park.

{*243} The language contained in Section 4-9-18, N.M.S.A., 1953 Compilation (P.S.) makes it even clearer that the State Park and Recreation Commission has the necessary legal authority to accomplish the proposed project. This section provides:

"All moneys derived . . . from any other source whatsoever . . . shall be used solely for the purpose of acquiring, **developing**, operating and maintaining of state parks or recreation areas. . . ." (Emphasis added).

Because of the above noted sections, we can answer your question "Yes".