

Opinion No. 36-1376

June 3, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Jas. J. Connelly, State Treasurer, Santa Fe, New Mexico.

{*120} We have your letter of June 3rd asking whether or not the affidavits of F. D. Shufflebarger, Chairman of the New Mexico State Fair, and a letter from C. W. Carson, President of the First National Bank of Albuquerque, are sufficient to authorize you in the setting up of an appropriation account of \$ 5,000.00 for the benefit of the State Fair Commission.

Section 127-106 of the 1929 Code makes a continuing annual appropriation of \$ 5,000.00 to the New Mexico State Fair on the condition that an additional \$ 5,000.00 shall be made available to the New Mexico State Fair by the citizens of Albuquerque. On February 18, 1935, this office rendered an opinion to the New Mexico State Fair that \$ 5,000.00 would be made available by the State under the continuing appropriation upon certification by the State Fair to the Treasurer of the State that \$ 5,000.00 had been raised by the citizens of Albuquerque. I am attaching hereto a copy of said opinion. We are therefore of the opinion that the affidavit of Mr. Shufflebarger as Chairman of the New Mexico State Fair and the letter from Mr. Carson to the effect that the sum of \$ 5,000.00 has been deposited in the First National Bank of Albuquerque to the credit of the New Mexico State Fair are sufficient to authorize you in setting up the \$ 5,000.00 appropriation by the state.

By J. R. MODRALL,

Asst. Atty. General