

OPINION
53-6

June 22, 1953 (OPINION)

APPROPRIATIONS

RE: Legislative Research Unexpended Balance July 1, 1953

We are in receipt of your letter of June 11, 1953, requesting the opinion of this office as to whether certain funds appropriated for the use of the Legislative Research Committee during the 1951-53 biennium must revert to the general fund on July 1, 1953, in view of a contract which has been executed with the Automatic Safety Foundation for services in connection with a highway safety study.

You state that the Automotive Safety Foundation will supervise and carry on the highway safety study, for which the Legislative Research Committee will reimburse for out-of-pocket costs to the Foundation in connection with this study. Approximately three thousand dollars remains unused from the 1951-53 appropriation to the Legislative Research Committee and it is your wish to apply this amount to the contract for the study.

Since only part of the work will have been completed prior to July 1, 1953, the committee wishes to pay only for those services actually completed by that time, thus leaving the remainder of the three thousand dollars unused on July 1, 1953. Your question is whether under this set of facts the funds are sufficiently committed to prevent the remaining balance of the prior appropriation from reverting to the general fund on July 1, 1953.

In opinions written during the administration of a previous attorney general the thought has been expressed that so long as valid contracts or commitments have been made during the biennium for which the appropriation is made, the money would be available for this purpose notwithstanding the fact such contracts, projects of commitments may not have been completed during such period. See opinion of the attorney general to Mr. J. J. Walsh, Secretary and Chief Engineer, State Water Conservation Commission, written February 8, 1949, and opinion of the attorney general to Mr. A.N. Lavik, Motor Vehicle Registrar, written May 17, 1950.

It is our opinion, in accord with the previous opinions referred to, that the money remaining in your 1951-53 appropriation has been irrevocably committed to the highway safety study and therefore does not revert to the general fund on July 1, 1953. We see nothing in our statutes which requires that funds from any specific appropriation must be spent sufficiently prior to the end of the biennium so that all acts and services in connection therewith shall have been completed by July 1, 1953.

ELMO T. CHRISTIANSON

Attorney General