

# OFFICE OF THE ATTORNEY GENERAL



*Finance*  
80-00079

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Honorable John N. Pappanastos  
Director of Finance  
Department of Finance  
State Capitol  
Montgomery, Alabama 36130

Finance Department - Appropriations -  
Reversion

Appropriation to Sports Hall of  
Fame for capital outlay purposes  
may be released when matching  
funds are raised.

Dear Mr. Pappanastos:

I am in receipt of the request for an opinion by the  
Finance Department concerning whether and under what conditions  
the appropriation made to the Sports Hall of Fame by Act 668,  
Regular Session of the Legislature of 1978 can be released.

Section 41-4-93, Code of Alabama 1975, states:

"All unencumbered balances of all  
appropriations shall revert to the  
state treasury at the end of each  
fiscal year and to the credit of  
the general fund or the special  
fund from which the appropriation  
or appropriations were made.

Hon. John N. Pappanastos  
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Appropriations for the purchase of land or the erection of buildings or new constructions shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made."

Act 668, Regular Session of the Legislature of 1978, appropriated \$250,000 for the "establishment, maintenance, and support" of the Sports Hall of Fame at the Civic Center in Birmingham. The appropriation is conditional upon the Sports Hall of Fame raising a matching amount from private sources.

The sponsor of Act 668, supra, and the Executive Director of the Sports Hall have informed me that the funds from Act 668 are to be used for construction and equipment of a permanent museum for the Sports Hall of Fame in the Birmingham-Jefferson Civic Center Complex. Such use of funds is consistent with the stated purpose of the appropriation in Act 668, viz, the establishment, maintenance, and support of a Sports Hall of Fame.

Since the funds are to be used for construction and equipment of facilities to house the Sports Hall of Fame permanent museum, the appropriation made by Act 668 comes under the exception set out in Section 41-4-93 and does not revert at the end of the fiscal year but remains in force until the completion of the work for which the appropriation was made.

Based on the foregoing it is my opinion that the funds appropriated to the Sports Hall of Fame should be released when the Governor is made aware that the \$250,000 matching funds have been raised from private sources.

If we can be of further assistance, please contact me.

Sincerely yours,

CHARLES A. GRADDICK  
Attorney General

By-



JAMES R. SOLOMON, JR.  
Assistant Attorney General