

Opinion No. 55-6253

August 15, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Jack Love, Assistant District Attorney, Fifth Judicial District, Roswell, New Mexico

You have asked this office for our opinion concerning whether or not municipalities may expend money of the "Juvenile Recreational Fund" for the following purposes:

"(1) Girl Scouts.

(2) Boy Scouts.

(3) Community Service Center, in which child activity programs are conducted and where the funds are earmarked for those programs.

(4) Salvation Army, for a children's recreation program.

(5) Salvation Army, for a camp for needy children."

Section 72-14-14 (d), N.M.S.A., 1953, provides, among other things, that the funds from the cigarette taxes ". . . shall be used exclusively for recreational facilities . . . primarily suitable for juveniles . . . either within or outside of each municipality; . . ."

It is our opinion that the municipality may not contribute or spend any money to or for the Girl Scouts, Boy Scouts or the Salvation Army if the contribution is to those organizations in their private capacities. Article IX, Section 14 of the Constitution of the State, in our opinion, prohibits such expenditures.

Concerning the Community Service Centers, if these be municipally owned, then we cannot see any objection to the expenditure, providing the same is spent for "recreational facilities". However, if the Community Service Center is merely a civic group or enterprise and not owned by the municipality, the same objection cited above would apply.

We trust this answers your inquiry satisfactorily.

By Santiago E. Campos

Assistant Attorney General