

Opinion No. 64-81

June 11, 1964

BY: OPINION OF EARL E. HARTLEY, Attorney General Boston E. Witt, First Assistant Attorney General

TO: Wayne Collins, Member, New Mexico State Highway Commission P.O. Box 1641, Santa Fe, New Mexico

QUESTION

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"May the State Highway Commission expend public funds for preliminary and advance work for the 1965 Western Association of State Highway Officials' convention to be held in Santa Fe?"

CONCLUSION

No.

OPINION

ANALYSIS

As stated in your letter the State Highway Commission, at its meeting on May 21st, approved the expenditure of \$ 3,000.00 to be used in preliminary and advance work in preparing for the 1965 WASHO convention. You indicate the money was to be used for printing Programs of the Conference, correspondence necessary for securing speakers, etc. You indicate in your letter that you have been informed by the Chief Highway Engineer that the amount will be reimbursed to the department from the registration fees for the Convention.

Article IX, Section 14 of the New Mexico State Constitution reads, in part, as follows:

"Neither the state, nor any county, school district, or municipality, except as otherwise provided in this Constitution, shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association or public or private corporation, . . ."

It seems clear from this constitutional provision that the expenditure of these funds is in direct violation thereof. The proposed expenditure of \$ 3,000.00 would constitute a donation to or in aid of the WASHO Association which is not a public agency of this state.

This is true even though the organization will reimburse the department from registration fees since this would amount to, at the very least, a lending or pledging of the highway department credit to the organization. See also in this connection **Hutcheson v. Atherton**, 44 N.M. 144, 99 P. 2d 462.

It is, therefore, our opinion that the expenditure of \$ 3,000 as proposed by the State Highway Commission, in preparation for the 1965 WASHO convention, is absolutely proscribed by Article IX, Section 14 of the Constitution of New Mexico.