

Opinion No. 65-101

June 18, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General Roy G. Hill, Assistant Attorney General

TO: Dr. L. E. Bodenweiser, Director-Chief Veterinarian, Room 314 Korber Building, Albuquerque, New Mexico

QUESTION

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Due to financial difficulties, the New Mexico Wool Growers' Association several months ago abolished the office of executive secretary and placed the finances and secretarial duties in the hands of the elected offices of the association.

The New Mexico Wool Growers' Association has now contacted the Sheep Sanitary Board requesting that a portion of the inspection fees collected for health examinations and operational expenses of the Sheep Board be allocated the New Mexico Wool Growers' to promote the industry and to support their operations. May this be done?

CONCLUSION

No.

OPINION

{*171} ANALYSIS

We note that the Sheep Sanitary Board has the power "To cooperate with the New Mexico Wool Growers' Association in the promotion of the sheep industry." Section 47-8-8 (5), N.M.S.A., 1953 Compilation and:

"To create a board fund from all revenue derived under this act, which fund shall {*172} be deposited with the state treasurer and disbursed as the majority of the board may direct."

(Section 48-8-8 (7), N.M.S.A., 1953 Compilation). However, whatever these sections may deem they do not authorize the Sheep Sanitary Board to expend public money in aid of a private association. Such an expenditure would violate Article IX, Section 14, the antidonation provision of the constitution.

The plan you suggest is much like the hay roughage program which was held unconstitutional in **State v. Hannah**, 63 N.M. 110, 314 P.2d 714. In a very recent

Opinion, No. 65-94, we considered much the same question in connection with the State Fair contributing to breeders awards on horse races the awards being designed to improve thoroughbred breeding in New Mexico. We ruled that the contributions would not be lawful and quoted from the **Hannah** case as follows:

"The hay roughage program put in effect by the federal government and aided by New Mexico was a wonderful thing for the livestock industry, and no doubt was the cause of larger numbers of livestock staying on their range in New Mexico for future production of their kind, thus benefitting the economy of the state, but if the appropriation now before us be upheld where will it stop? . . ."

Like the hay program and the thoroughbred breeders program your plan to aid the wool growers' association and consequently the wool growing industry of New Mexico is certainly a worthwhile endeavor but in view of the constitutional prohibition of Article IX, Section 14 it is a plan that cannot be aided with public money.