

Opinion No. 74-06

January 30, 1974

BY: OPINION OF DAVID L. NORVELL, Attorney General

TO: The Honorable David M. Salman Majority Floor Leader New Mexico State Representative Legislative-Executive Building Santa Fe, New Mexico 87501

QUESTIONS

FACTS

The legislature, by virtue of House Bill 76, 31st Legislature, 2nd Session, 1974, will be asked to appropriate \$ 67,375.00 to the "**national legislative** conference host committee." The obvious purpose of the appropriation would be to defray at least a portion of the expenses of the national legislative conference meeting proposed to be held in New Mexico.

QUESTIONS

May the New Mexico legislature appropriate state funds for the purpose of defraying a portion of the expenses of a conference to be sponsored by the national legislative conference as proposed in House Bill 76, 31st Legislature, 2nd Session, 1974?

CONCLUSION

See analysis.

OPINION

{*9} ANALYSIS

The constitutional section which controls the question you have asked is Article IX, Section 14 of the Constitution of New Mexico. It states:

"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, or in aid of any private enterprise for the construction of any railroad; provided, nothing herein shall be construed to prohibit the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons."

It would seem apparent from press reports concerning the proposed legislative conference, that the appropriation contemplated by House Bill 76 is to be used, at least in part, to defray various expenses of the legislative conference. Insofar as such

appropriation were to be used for the purpose of paying per diem and mileage for New Mexico legislators designated to attend such conference, the appropriation would run afoul of no constitutional provision. However, to the extent the appropriation is to be used to defray other expenses of the association, it would constitute nothing more than a donation to the national conference and accordingly, under the applicable constitutional provision, be a donation and therefore an unconstitutional appropriation of state money.