

Opinion No. 15-1578

July 8, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. R. E. Putney, Albuquerque, New Mexico.

Counties may make appropriations for the installation of displays at the State Fair.

OPINION

{*155} I have your letter of even date herewith in which you say that the State Fair is sending men into the counties to urge county commissioners to make appropriations with which to install displays at the Fair, and that it may be that the question of the legality of such appropriations may be questioned, and you, therefore, ask me to write you stating whether such appropriations can be made.

The only possible ground on which any objection can be made is on account of the provision in Section 14 of Article IX of the Constitution which, omitting part of the language, declares that no county shall lend or pledge its credit or make any donation in favor of any public or private corporation. The members of the New Mexico State Fair Association, by Section 11 of Chapter 46 of the Laws of 1913, are declared to be a body corporate. It seems quite clear that no county can make a donation to the State Fair Commission, but if I understand your letter correctly, they are not donations which you ask from the counties, but the appropriation of money for the installation of displays which, presumably, will be of benefit to the counties. I am of opinion that under the fifth subdivision of Section 664 of the Compiled Laws of 1897, which empowers the county commissioners to have "the management of the interest of the county in all cases where no other provision is made by law," the county commissioners may lawfully appropriate money for such purposes, for the benefit of the county, although there is no direct provision of law on the subject.