

Opinion No. 15-1676

November 6, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Mr. R. W. Wiley, Secretary to State Fair Commission, Albuquerque, New Mexico.

Counties may make appropriations to install displays at the State Fair.

OPINION

{*248} I have just received your letter of the 4th inst. in which, after calling attention to the opinion given by this office to Mr. Putney on July 8, 1915, you further ask if it is my opinion that the counties have a right, if they see fit, to appropriate money to build structures in which to show exhibits installed by the counties at the State Fair.

In the former opinion of last July, I said that the only possible ground on which any objection could be made to appropriations by counties to install displays at the Fair, was on account of the provision in Section 14 of Article IX of the Constitution, which declares that no county shall lend or pledge its credit or make any donation in favor of any public or private corporation, and that as the members of the State Fair Commission by Section 11 of Chapter 46 of the Laws of 1913, which now reappears as Section 5015 of the new codification, are declared to be a body corporate, it seemed clear that no county could make a donation to the State Fair Commission. I was convinced, however, that what was proposed was not in the nature of any donation to the State Fair Commission, but an independent county operation for the benefit of the county, and that under the fifth sub-division of Section 664 of the Compiled Laws of 1897, which now appears as Section 1201 of the codification, and 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 might lawfully appropriate money for such purposes, for the benefit of the county, although there was no direct provision of law on the subject.

It appears to me quite clear that if a county can lawfully appropriate money to display exhibits at the State Fair, there would be necessarily included the power to provide a place in which such exhibits could be displayed. It might be necessary for a county to provide some temporary structure at each Fair, and I can see no reason why it would not be quite as lawful and more economical in the long run for the county to provide, as you now suggest, a permanent building for such purpose. If each county might have a building, I can see no objection to a combination of counties for the purpose of constructing such a building, and I fully agree with you that this power would be included in the one which I believed to exist when I wrote the letter in July last. All of the counties might unite in building one large building, or there might possibly {*249} be several buildings built by different combinations of counties, but that is a practical question as to which I am not the proper person to give advice.