

Opinion No. 45-4679

March 12, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*39} We have your letter of March 5, 1945, wherein you request an opinion concerning whether a payment {*40} from the General Fund of a county or municipality to the New Mexico Municipal League is a legal expenditure of the governmental subdivision.

Article 9, Section 14, of the Constitution of the State of New Mexico provides, in part, as follows:

"Neither the state, nor any county, school district or municipality * * * shall, directly or indirectly, * * * make any donation to, or in aid of any person, association or private corporation * * *"

It is noted that there is no legal obligation for any city or municipality to make the contribution referred to in your letter, and therefore, in my opinion, such proposed contribution would be a donation prohibited by our State Constitution.

In support of this opinion, see the cases of Harrington v. Atteberry, 21 N.M. 50, 153 P. 1041, and Hutcheson v. Atherton, 44 N.M. 144, 99 P. 2d 462.

By HARRY L. BIGBEE,

Asst. Atty. General