

**Opinion No. 48-5150**

May 14, 1948

**BY:** C. C. McCULLOH, Attorney General

**TO:** Marcelino Gutierrez District Attorney First Judicial District Santa Fe, New Mexico

{\*148} We are in receipt of your letter of May 14, 1948 in which you ask whether the county school board has authority to budget and pay to the city public library a sum of money for the purchase of books.

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

"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; \* \* \*"

If the school board gets full value for the money so expended, I see no reason why such an item could not be included in the budget and properly paid. If, however, the school board does not receive benefits commensurate with the money expended, then the payment would be a donation and would violate the Constitution.

By ROBERT W. WARD,

Asst. Atty. General