

November 22, 1947

J. Thomas McIntire, Superintendent,
The Arizona Childrens' Colony,
State Capitol,
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Sir:

In your letter of November 4, 1947, you submit for opinion the legality under the Childrens' Colony appropriation of traveling expenses incurred by you and the members of the Childrens' Colony board in contacting local clubs and groups over the state for the purpose of acquainting them with the board's functions and enlisting their aid in locating and registering mentally retarded children. As you indicate, it is common knowledge that this process is necessary to make your program fully effective.

The appropriation of the Childrens' Colony board is for the following purpose:

"Sec. 2. PURPOSE. The appropriation made in section 1 is for the payment of personal services, travel within the state, travel out of state, current expenditures and capital outlay. The board is authorized to employ a superintendent at a salary not to exceed eight thousand dollars per annum, and other necessary personnel. The board is also authorized to employ an architect to prepare preliminary sketches of the Children's Colony".

The board's duties are listed in Chapter 34, First Special Session, Seventeenth Legislature 1945 as follows:

"54-1401. CARE OF MENTALLY DEFICIENT CHILDREN. There shall be maintained an institution for the care and education of mentally defective children in the state, to be known as Arizona Children's Colony. The Arizona Children's Colony board is hereby charged with the care and training of mentally deficient children who are susceptible of mental improvement, education and vocational adaptability".

The familiar test of the validity of public expenditures is that the expenditure must be for a public purpose, that is, one authorized by law. Ward v. Frohmler, 55 Ariz. 202, 100 Pac. (2d) 167. The traveling expense involved is clearly a proper one in furtherance of your statutory duty to care for and train the mentally defective children of Arizona. It is, therefore, our opinion that this is an expenditure chargeable to your appropriation.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General

WILLIAM P. MAHONEY, Jr.,
Assistant Attorney General