

June 13, 2000
OPINION NUMBER 00-174

Honorable David Smith
Mayor
Town of Plain Dealing
P. O. Box 426
Plain Dealing, LA 71064

Dear Mayor Smith:

We received your request for an opinion regarding a summer baseball program for the children of the Town of Plain Dealing. As stated in your request, the Town is considering donating fifteen hundred dollars in baseball equipment to several citizens of the Town to start a summer baseball program primarily for under-privileged children. Your concern is whether or not the Town has authority to make such a donation.

Article 7, Section 14A of the Louisiana Constitution of 1974 expressly prohibits the funds, credit, property, or things of value of the state or any political subdivision thereof from being loaned, pledged, or donated to or for any person, association, or corporation. However, Section 14B specifically authorizes the use of public funds for programs of social welfare for the aid and support of the needy. Our office has consistently opined that there must be some type of objective criteria to properly identify those who are needy. Ops. Atty. Gen. 99-250 and 96-109.

Thus, it is our opinion that the Town of Plain Dealing may donate baseball equipment to its citizens to assist in the establishment of a baseball program for under-privileged children as long as there is some type of objective criteria used to establish those children who are truly needy. Your request indicated that the donation would primarily benefit under-privileged children. Please note that such a donation must solely benefit under-privileged or "needy" children.

We also point out that the Town of Plain Dealing is authorized, pursuant to La. R. S. 33:4553, to develop and administer recreational programs and facilities through the school board, park board or other existing body, or through a playground and recreation board. Thus, a children's baseball program could be established as part of the Town's recreational program.

We hope this adequately responds to your request. Should you have any questions or

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comments, please do not hesitate to contact our office.

Yours very truly,

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:

TINA VICARI GRANT
Assistant Attorney General

RPI:TVG:jv

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90-A-2 PUBLIC FUNDS - Loan, Pledge, or Grants

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92-A-A RECREATION - Parks, Playgrounds,
 Playground & Recreational Boards Youth
 Programs

Art. 7, Section 14 of the Louisiana Const. Of 1974

The Town of Plain Dealing may donate baseball equipment to its citizens to assist in the establishment of a baseball program for under-privileged children as long as there is some type of objective criteria used to establish those children who are truly needy.

Honorable David Smith
Mayor
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P. O. Box 426
Plain Dealing, LA 71064

DATE RECEIVED: 4/26/00
DATE RELEASED: June 13, 2000

TINA VICARI GRANT, ASSISTANT ATTORNEY
GENERAL