

Opinion No. 47-5071

August 26, 1947

BY: C. C. McCULLOH, Attorney General

TO: W. T. Scoggin, Jr. District Attorney Las Cruces, New Mexico

{*82} We have your letter of August 21 in which you state that the Town of Carrizozo, the Town of Ruidoso and the County of Lincoln desire to construct a joint county-city hospital. You ask our opinion as to whether it will be necessary to hold separate bond elections.

Chapter 199 of the Laws of 1947 provides by Sec. 3 as follows:

"Counties and municipalities are hereby empowered and authorized to become indebted for the purpose of constructing, maintaining and operating said county municipal hospitals and to vote, issue and sell their respective general obligation or revenue bonds therefor, in the same manner as is now provided for issuing and selling general obligation and revenue bonds for separate city and county hospitals."

You will observe that this section authorizes both counties and municipalities to vote, issue and sell their **respective** general obligation or revenue bonds. In view of this it appears that the legislature contemplated that the city and the county would issue separate bonds by separate bond proceedings. Attention is also directed to Article 9, Sec. 10 of the Constitution which sets forth the conditions under which a county may become indebted. Article 9, Sec. 12 sets forth the conditions under which a municipality may become indebted. You will observe that these two sections have different requirements so that it would be impossible to have a joint city-county bond issue. For {*83} instance, cities may vote on the question of becoming indebted only at a regular election for councilmen. In view of these constitutional requirements, it would be impossible for a municipality and a county to have a joint issue of general obligation bonds.

In view of the foregoing it is my opinion that when a municipality and a county build a joint city-county hospital, the respective bonds of the city and the county must be separately issued.

By: ROBERT W. WARD

Asst. Atty. General