

**Opinion No. 53-5765**

June 17, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** C. C. Chase, Jr. District Attorney Third Judicial District Las Cruces, New Mexico

{\*165} In your letter dated June 11, 1953, you state that a benefactor of the Ruidoso Hospital has offered to construct a nurses' home on the Hospital property and to lease the nurses' home from the Hospital Board and pay as rental all of the receipts from the home except \$ 100 per month, which he would retain until his investment is amortized at which time he would surrender the lease to the Hospital Board and, in that manner, a great advantage would inure to the Hospital. You are wondering whether such procedure would be legal and valid under the law.

§ 14-3005, N.M.S.A., authorizes cities, towns or villages incorporated under special acts and owning hospitals to lease such hospitals to any person, corporation or association.

§ 14-3012, N.M.S.A., p.s., further authorizes all municipalities owning hospitals to do all acts and make all regulations which may be necessary or expedient for the promotion of purposes of this act.

In view of the fact that the addition of a nurses' home to the Hospital would be advantageous and would tend to promote the purposes of the Hospital Act, it is our opinion that there is ample statutory authority to carry out the agreement along the lines indicated above.

It is hoped that this answers your inquiry.

By: C. C. McCulloh

Assist. Attorney General