

## Opinion No. 60-122

June 27, 1960

**BY:** OPINION of HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Charles A. Feezer Assistant District Attorney Fifth Judicial District County Court House Carlsbad, New Mexico

### QUESTION

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Does the hospital board of the Artesia General Hospital come within the purview of Chapter 120, Laws of 1959?

#### CONCLUSION

Yes.

### OPINION

#### {\*496} ANALYSIS

{\*497} You state in your request that the Artesia General Hospital is a municipal hospital and we will, therefore base our opinion on the assumption that this is a fact. Chapter 120, Laws of 1959 reads in part as follows:

"A. The governing bodies of all municipalities, boards of county commissioners, boards of public instruction and all other governmental boards and commissions of the state or its subdivision, supported by public funds, shall make all final decisions at meetings open to the public; . . ."

It seems clear that the board of the Artesia General Hospital is not a governing body of a municipality nor is it a board of county commissioners nor board of public instruction. We are of the opinion, however, that the board does come within the phrase "and all other governmental boards and commissions." It is our opinion that the Legislature intended to include within this phrase all boards or commissions or other public bodies which derive their existence from state statutes or duly passed ordinances. We do not believe that the Legislature intended to use the word "governmental" in its traditional sense drawing a distinction between governmental and proprietary functions.

Municipal hospitals derive their existence from Section 14-33-7, N.M.S.A., 1953 Compilation which gives each incorporated municipality the power to own, maintain and operate hospitals. The Artesia General Hospital governing board therefore is a public body which derives its power and existence from a state statute and, I assume, a duly

passed ordinance establishing the hospital. It is a governmental board within the meaning of Chapter 120 and, therefore, subject to the requirements therein contained.

By: Boston E. Witt

Assistant Attorney General