

## Opinion No. 65-116

June 28, 1965

**BY:** OPINION OF BOSTON E. WITT, Attorney General Roy G. Hill, Assistant Attorney General

**TO:** Mr. E. C. Serna, District Attorney, Sixth Judicial District, P. O. Box 1025, Silver City, New Mexico

### QUESTION

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The Hospital Board of the Luna County Hospital (Mimbres Memorial Hospital) in Deming desires to build an addition to the hospital. This addition will be used for the care of long term patients. This addition will be physically connected to the hospital proper; all patients will be accepted in accordance with hospital rules and regulations; will be under doctor's orders and have daily visits from the doctor in their case. Nursing services will be on a twenty-four hour basis by Registered Nurses and Licensed Practical Nurses; The addition will, of course, be operated under the same administration as the Luna County Hospital and will be covered in its entirety by its by-laws; all services such as operating rooms, x-rays and laboratory facilities will be available at all times. Under what law should Luna County handle a bond issue for the purpose stated above?

#### CONCLUSION

The bond issue should be conducted in accordance with section 15-49-2.1, N.M.S.A., 1953 Comp. (P.S.).

### OPINION

#### {\*199} ANALYSIS

Section 15-49-2.1, supra, provides as follows:

"15-49-2.1. **Bonds for Remodeling and Making Additions.** -- Bonds may be issued under the provisions of sections 15-49-1 through 15-49-20 New Mexico Statutes Annotated, 1953 Compilation, for the purpose of remodeling and making additions to the necessary public buildings under the same conditions as provided for issuance of bonds for constructing them. Provided, however, that non moneys derived from general obligation bonds issued and sold hereunder, shall be used for maintaining existing buildings and, if so, such bonds shall be invalid."

This section became effective November 24, 1964 when the Secretary of State certified that the Constitution had been amended as proposed by Constitutional Amendment No. 6 entitled A Joint Resolution Proposing an Amendment to Article 9, Section 10 of the Constitution of New Mexico, to Allow Counties to borrow Money for Remodeling and Making Additions to Necessary Public Buildings."

This amendment was approved by the voters in the general election of November 3, 1964. Since the proposed construction to an addition to the hospital, Section 15-49-2.1, supra, is applicable and the bond issue should be conducted {\*200} in accordance with Section 15-49-1 through 15-49-20, N.M.S.A., 1953 Comp.