

**Opinion No. 42-4081**

April 30, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{\*191} I have your letter of April 24, 1942, together with the enclosure from the Bernalillo County Charity Commission.

From the facts submitted, it appears that an indigent person, a former resident of Lincoln County, died in Bernalillo County after having lived there six weeks, and it became necessary for the County of Bernalillo to bury him, and that it did so under the provisions of Chapter 224, Laws of 1939. Bernalillo County is now of the opinion that Lincoln County should defray the \$ 25.00 expense of the burial of said indigent person. Upon this question you request our opinion.

Section 1, Chapter 224, Laws of 1939, charges the county commissioners of the several counties throughout the state with the "duty" of burying "any indigent person" who may die in their county under certain circumstances therein enumerated. The indigent in the instant case apparently met the necessary contingencies and I, therefore, conclude that there is no responsibility on the part of the county commissioners of Lincoln County to reimburse the County of Bernalillo.

I do not believe that any question of residence enters into this proposition at all. The statute, in my opinion, is clear, and I do not believe that it is necessary for an indigent person to die with the qualifications of a voter before he shall be buried by the board of county commissioners.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

First Asst. Atty. General