

Opinion No. 22-3525

July 14, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Hon. K. K. Scott, City Attorney, Tucumcari, New Mexico.

Municipalities Must Submit to Vote of Electors Proposition of Issuing Bonds for Water System.

OPINION

{*169} In reply to your letter of the 12th instant asking if there is any law which would authorize a city council to issue bonds or certificates of indebtedness for the purpose of raising funds to improve or enlarge its water works system, without submitting the question of incurring such indebtedness to the qualified electors of the city, I wish to advise:

If the provisions of Section 3, Chapter 47, Laws of 1919, are valid and constitutional, municipalities may not issue bonds or certificates of indebtedness under any circumstances for the purpose of raising funds to improve or enlarge any public utility.

If the provisions of this section are unconstitutional, as I believe that they are because of being in conflict with the provisions of Section 12, Article 9 of the Constitution, then it is my opinion that the provisions of that section of the Constitution regarding the submission of the incurring of a debt to the electorate must be complied with. I know of no law which permits the creating of a municipal debt of this class without submitting the proposition to the qualified electors of such municipality.