

Opinion No. [29-82]

February 16, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Miss Grace Massie, Clerk of Chaves County, Roswell, New Mexico.

SICK AND INDIGENT -- Counties may provide for.

OPINION

I have your favor of the 13th inst. in which you state that each month the Board of County Commissioners of Chaves County pay for the care and attention of sick and disabled indigents at St. Mary's Hospital at Roswell a considerable sum. You call attention to chapter 105, Laws of 1927, wherein \$ 1800.00 a year is appropriated to said Hospital. You go on to say that since Chaves County is a first class county and pays a large proportion of this appropriation that you figure that it is paying twice for the same benefit. You wish to know whether or not this is legal.

In reply thereto will state that the constitution in section 31 of article 4 authorizes State appropriations to hospitals for which appropriations were made by the Legislature of 1909, and this hospital was one of these. Section 14 of article 9 of the constitution, in the proviso therein expressly authorizes counties to pay for the care of its sick and indigent persons.

It is not compulsory on the part of your county to pay this particular hospital for the care and maintenance of its sick and disabled indigents, but it is clearly legal for the Commissioners to do so if they wish, hence if Chaves County feels that it is paying twice for the same service it can certainly cut out the appropriation if it so desires.

Trusting that the foregoing sufficiently answers your inquiry on this subject, I am