

Opinion No. 41-3737

March 7, 1941

BY: EDWARD P. CHASE, Attorney General

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

{*45} I return herewith letter written by Mr. Neil B. Watson, City Attorney of the City of Artesia.

From the statement in this letter it appears that the City Hospital is owned by the City of Artesia, and that an attempt has been made to operate it through the revenue derived therefrom, and that this revenue has been insufficient. The question now is whether the city may pay accumulated claims against the hospital for public utility services.

It is suggested in Mr. Watson's letter that the city could have and should have paid for some indigent patients were it not for lack of funds budgeted for that purpose.

It would seem to me that the city has authority to pay such public utility claims, the city being the owner of the hospital, provided it has funds with which to do so and provided it will not exceed its budget. Mr. Watson indicates that such payments would not exceed the budget. I take it, therefore, that the real problem is the transfer of funds into the hospital budget or the indigent budget to meet such claims. This, no doubt, may be accomplished under the statute providing for revision of budgets and transfer of moneys with the approval of the Comptroller, the State Tax Commission and this office, within the limits and conditions set by the statute authorizing such revision of budgets and transfer of moneys, with which you are, of course, familiar.

By A. M. Fernandez,

Asst. Atty. General