

Opinion No. 44-4461

February 18, 1944

BY: EDWARD P. CHASE, Attorney General

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

In your letter dated February 17, 1944, you inquire whether a municipality may issue additional revenue bonds for the purpose of expanding the municipal power and light utility, by the addition of an ice plant and storage facilities, without having to comply with the provisions of Chapter 82, Laws of 1943 (Sections 14-3529 and 14-3530 of the 1941 Compilation, Pocket Supplement).

Section 3 of the Laws of 1943 (Section 14-3531 of the 1941 Compilation Pocket Supplement) provides as follows:

"This act shall not apply to any existing municipally owned utility, nor to the issue of revenue bonds to provide funds for necessary improvements, extensions, repairs and betterments of such utility, whether the same be acquired before or after the passage of this act."

Since the municipal utility you have mentioned was in existence prior to the time the 1943 act was passed, such municipally owned utility does not come within the provisions of the 1943 law, and for that reason additional revenue bonds may be issued by the municipality without the necessity of holding an election for that purpose, and without the approval of the Public Service Commission of the sale price of such bonds.

By C. C. McCULLOH,

First Asst. Atty General