

Opinion No. 52-5504

March 6, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Honorable Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{*216} On December 6, 1951, you requested an opinion specifically asking our interpretation of Chapter 59, New Mexico Laws of 1951, concerning the procurement of insurance on public buildings and whether or not said insurance shall be obtained through bids only. The pertinent part of Chapter 59, New Mexico Session Laws of 1951 reads as follows:

. . . . "said insurance on public buildings belonging to the state and located in Santa Fe county, can be taken out with any companies {*217} or agencies in the state; however on public buildings belonging to the state or the various counties other than Santa Fe county, said insurance in each case, must be taken out with companies or agencies in the county where such buildings may be located, and said insurance in both state and county buildings shall be given to the company or agency offering the lowest premium and rate of insurance;"

The language used in this pertinent part is mandatory and leaves you no discretion. There is another proviso in the same chapter which reads as follows:

"Provided, however, that such insurance shall be taken out with, and given only to such company or companies, as have fully complied with the laws of the state with reference to carrying on business therein."

It is therefore my opinion that any policies obtained for fire insurance on state buildings shall be by competitive bids.

I trust that this fully answers your inquiry.