

## Opinion No. 52-5561

July 8, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Arthur Stine Executive Director Commission on Alcoholism P. O. Box 525  
Santa Fe, New Mexico

{\*272} This is in reply to your request of June 25th in which you ask for my opinion as to the authority of the State Commission on Alcoholism {\*273} to acquire real property by purchase.

Such authority, if it exists, must be found in the basic statute creating the Commission and setting forth its duties and authority. The Commission on Alcoholism was established by Chapter 114 of the Laws of 1949. Section 4 of that Law sets out the purposes for which the Commission may expend its funds.

The Section states in part:

". . . For the purpose of acquiring equipment, supplies, services or facilities for the treatment of patients under its treatment or control, the Commission is authorized to expend funds as hereinafter provided."

This language is a clear and unequivocal grant of authority to expend Commission funds for the treatment of the patients under the Commission's care. The expenditures are specifically approved and authorized for the acquisition of facilities. Since there is no express limitations on the type or kind of facilities to be acquired it must be presumed that this was something left by the Legislature for determination by the Commission.

It is my opinion that the Commission has authority to provide facilities either by lease or by purchase and that such facilities may be buildings, housing or hospital facilities in which to treat patients under the care of the Commission.

The authority granted the Commission to expend its funds for equipment, supplies and services is broad enough to include all of the necessary equipment and supplies for the operation of any facilities acquired and to include the services of personnel deemed necessary by the Commission for the proper care and treatment of patients under the Commission's care and custody.

I trust that this will answer your inquiry fully.