

Opinion No. 59-110

August 17, 1959

BY: HILTON A. DICKSON, JR., Attorney General

TO: Mr. Earl M. Coffee Administrator Miners' Hospital of New Mexico Raton, New Mexico

{*173} This is written in reply to your recent request for an opinion on the following question:

Is the Miners' Hospital subject to the State Purchasing Act and, therefore, required to make its purchases through the State Purchasing Agent's office?

In answer to your question, it is my opinion that:

Yes, the Miner's Hospital is subject to the State Purchasing Act and must purchase in conformity therewith.

The portion of the State Purchasing Act which controls the answer to your question is Section 6-7-1, N.M.S.A., 1953 Comp., which reads in part as follows:

"The word 'department' as used in this act (6-7-1 to 6-7-13) shall mean any state department, . . . **state institution.** . . ., now existing or which may hereafter be created by law, **which expends any money derived in whole or in part from taxation . . .**"
(Emphasis supplied)

It would seem, therefore, that if your institution derives any of its funds from taxation then it is subject to the State Purchasing Act. While it is true that the great majority of your funds come from sources not obtained by taxation, the Appropriations Act of 1959, being Chapter 288, Laws of 1959, appropriated the sum of \$ 1.00 to the Miners' Hospital for each of the 48th and 49th fiscal years. This then means that some of your funds expended are derived in part from funds obtained by taxation. The Miners' Hospital, therefore, must make its purchases in conformity with the State Purchasing Act (6-7-1, et seq., N.M.S.A., 1953 Comp.).