

Opinion No. 48-5120

January 2, 1948

BY: C. C. McCULLOH, Attorney General

TO: Mr. H. N. McDaniel, State Purchasing Agent, Santa Fe, New Mexico.

{*123} We wish to acknowledge receipt of your inquiry of several days ago pertaining to whether or not the State Purchasing Agent should handle the advertising for bids and the placing of orders for the printing of college annuals.

We were not at all sure from just what source the cost of publication of said annuals was paid, and so we wrote Mr. Popejoy, Comptroller of {*124} the University, for further information in this regard. Mr. Popejoy, in his letter to us on December 29, 1947, stated:

"The University Annual receives monies from two important sources. All students are required to pay a student activity fee which amounts this semester to \$ 10.86. This fee is collected, along with the other tuition payments, is mandatory, and has been established by the regents for all undergraduate students. The annual receives \$ 2.00 of this fee. The other sources of money for the Annual comes from advertising space which is sold each year to business firms here in Albuquerque. The funds for the year-book are not banked separately but are kept in the general University accounts."

Section 1 of Chapter 98, Laws of 1943, provides as follows:

"As used in this act, the word 'purchaser' shall mean and include all county, municipal, union high school, independent school district boards of education; boards of county commissioners; all county and state officials; heads of departments and state agents and employees thereof; and any and all persons acting as purchasing agents for the State of New Mexico, or any political or municipal subdivision thereof; the governing boards of all state institutions together with their agents and employees; and every person or body charged with the duty of expending or authorizing the expenditure of public moneys in this state."

In view of the fact that the cost of publication of college annuals are borne in part by institutional funds, it is our opinion that the advertising for bids for the publication of said annuals and the awarding of contracts for same should be made through the State Purchasing Agent.

Trusting the aforementioned satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General

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