

Opinion No. 51-5344

March 14, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Honorable Tom Wiley Superintendent of Public Instruction State of New Mexico
Santa Fe, New Mexico. Attention: Mr. Floyd Santistevan, Assistant

{*22} I have your letter of March 7, 1951, in which you ask the opinion of this office as to whether or not a State Board of Education is the state educational agency authorized to make and file application for federal grants for a school facilities survey under the provisions of P. L. 815, Title I, 81st Congress, 2d Session.

Section 55-518, 1941 Compilation, accepts the provisions of all federal acts which may be passed in the future granting to the states federal aid to educational institutions for educational activities within the state.

Section 55-519, 1941 Compilation, designates the State Treasurer of New Mexico as the trustee for all funds which may be apportioned to the state under the provisions of any such acts of congress.

Section 55-520, 1941 Compilation, designates the Superintendent of Public Instruction as the state educational authority to represent this state in the administration of any such funds.

Therefore, it is the opinion of this office that the Superintendent of Public Instruction of the State of New Mexico is the state educational agency authorized to make and file application for federal grants under the above stated federal act and that the State Treasurer of the State of New Mexico {*23} is the custodian and trustee to whom these funds should be paid.