

Opinion No. 36-1441

October 3, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Donald W. MacKay, President Eastern New Mexico Junior College, Portales, New Mexico.

{*142} We have your letter of September 30, 1936, asking whether or not there is any statute in this state regulating the purchase of articles by state institutions from members of the board of regents and from faculty members acting as agents or salesmen.

We do have such a statute, which appears as Section 120-1415, 1929 Compilation. This statute prohibits members of boards of regents and faculty members from entering into contracts with their institutions and, in my opinion, would prevent the purchase of school supplies, etc., in such manner.

You also ask whether or not it is necessary to call for bids upon purchases and whether or not it would be legal to buy supplies from firms outside of the state. I find no statute covering this matter except Chapter 150, Laws of 1933, relating to the purchase of printing and printing supplies. This statute does not require that purchases be made upon bids but it does require that wherever practicable printing and printing supplies should be purchased from residents of this state.

If you have them available, I suggest that you read the two statutes above mentioned.

By QUINCY D. ADAMS,

Asst. Atty. General