

Opinion No. 39-3099

April 15, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Col. Hugh M. Milton II, President, New Mexico State College of Agriculture and Mechanic Arts, State College, New Mexico.

{*34} In your letter of April 11 you state that the New Mexico College of Agriculture and Mechanic Arts, through its extension and experiment station divisions, receives certain monies from the Federal Government, and you state that some of these monies may be used for the purchase of printed supplies and you desire to know to what extent the state law of **1935**, Chapter 168, applies to the use of these Federal monies. I presume you actually have reference to Chapter 168 of the Laws of **1937** relating to the letting of contracts for printing, etc.

Chapter 168, Laws of 1937, applies to purchases made of printing and printed supplies by every board, commission, department, state institution, or the purchasing agent thereof, of the State of New Mexico, or any political unit, or any subdivision thereof, which, of course, would include your institution.

If, in the matter in inquiry, the printed supplies are purchased by your institution as such and not by the Federal Government, I believe you would be bound by {*35} the statute notwithstanding the fact that the purchase is actually made with money received by your institution from the Federal Government.

Unless there is some particular Federal statute with which we are not acquainted earmarking these funds, and providing that their expenditure shall not be governed by state law, I believe that purchases made therefrom for printed supplies would have to be made in accordance with said Chapter 168. In this connection see also Attorney General's Opinion No. 1124, dated August 6, 1935.

Trusting the foregoing sufficiently answers your inquiry, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.