

**Opinion No. 4387-0A**

October 3, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

In your letter dated November 2, 1943 you inquire whether the sale of produce by the State College should be made through the Purchasing Agent. I am enclosing a copy of Opinion Number 4367 construing Section 8, Chapter 124, Laws of 1943 which appears as Section 6-708 of the biennial pocket parts of the 1941 Compilation.

In this opinion it was held that the State Purchasing Agent may sell only such property as comes into his hands by virtue of a purchase and in the event a surplus arises. Since the produce of the State College does not come into the State Purchasing Agent's hands by reason of a purchase, in my opinion he would not have jurisdiction to sell such produce. But, the same may be sold under the direction of the Board of Regents pursuant to the powers of said Board to contract and care for the property of the State College.

By C. C. McCULLOH,

First Asst. Atty. General