

Opinion No. 57-151

July 2, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Honorable Georgia L. Lusk, Superintendent of Public Instruction, Santa Fe, New Mexico

QUESTIONS

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1. May the State Surplus Property Agency of New Mexico receive and distribute surplus property from the Federal Government to eligible private, nonprofit institutions.
2. May the New Mexico State Agency for Surplus Property acquire warehouse property for subsequent distribution to eligible donees?
3. May the New Mexico State Agency for Surplus Property execute the certification and agreements required by Section 203 (j) of the Federal Surplus Property Law?

CONCLUSIONS

1. Yes.
2. Yes.
3. Yes.

OPINION

ANALYSIS

The answer to your first question was answered in the affirmative in Opinions of the Attorney General No. 6556, 57-94 and 57-110, which opinions we hereby confirm.

As to your second question, it follows as a matter of course that the Surplus Property Agency of New Mexico has authority to warehouse property for surplus distribution as outlined in Opinion No. 6556.

As to your third question, whether the Surplus Property Agency has authority to execute the certifications and agreements required by Section 203 (j) of the Federal Law, it is our understanding that such has been done by the Agency for ten years now. It follows from the above three cited opinions which clearly recognize the continuing authority of

the State Surplus Property Agency, as it has been exercised since 1947, that such authority is now and has been in existence.

All three questions are answered in the affirmative.

The attached correspondence is returned. We are also attaching a copy of this opinion for your convenience.