

Opinion No. 64-134

November 5, 1964

BY: OPINION OF EARL E. HARTLEY, Attorney General Oliver E Payne, Assistant Attorney General

TO: Mr. K. K. Miller, Chief, New Mexico State Police P. O. Box 919, Santa Fe, New Mexico

QUESTION

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Must State Police Uniforms be purchased by bid through the State Purchasing Agent?

CONCLUSION

No.

OPINION

ANALYSIS

Section 39-2-13, N.M.S.A., 1953 Compilation provides that there will be a suitable and distinctive state police uniform, and it further provides that a uniform allowance, over and above each officer's salary, **shall be allowed each member of the state police** required to wear a uniform.

This section clearly indicates the legislative intention to allow each officer to purchase his own uniforms. The phraseology of Section 39-2-13, supra, cannot be said to even imply that the purchase of uniforms is to be made by the Department pursuant to the State Purchasing Agent Act.

There are very practical reasons why the legislature intended to permit each officer to purchase his own uniforms. State policemen, like any other group, come in assorted shapes and sizes. Further, there is the matter of turnover in personnel after the order had been placed.

Lastly, to purchase the uniforms in bulk through the bid procedure would put the Department in the warehouse business. Such was not the legislative intent.