

**OPINION**  
**57-143**

March 5, 1957 (OPINION)

PRINTING

RE: Who May Do Printing For State Departments

In your letter of March 1, 1957, you asked our opinion of whether it is permissible for the University Press to print for other departments of the state.

If the University Press prints for departments of the state it would appear that it would be competing with the commercial printers since departments of state usually contract with established printing and publishing houses for printing.

In Volume 14 of Corpus Juris Secundum, under the title Colleges and Universities, paragraph 6, it states:

"The charter, under the statutes, measures the power of a college or university to the exclusion of all others not expressed or fairly implied, and an incorporated university or college, or an incorporated board of regents or board of trustees of a university, as in the case of any other corporation, can do no act for which authority is not expressly or impliedly granted in its charter or act or incorporation; \* \* \*."

This paragraph goes on to state:

"Particular powers exercised by a college or university should be reasonably incidental to the main purpose of maintaining such institution, \* \* \* although where the particular act is not reasonably incidental to the maintenance of the college or university the power to perform it may be denied, and such institutions have been denied the power to conduct a commercial enterprise."

In the case of State ex rel v. Southern Junior College, 64 S.W.2d. 9, it was held that the college was not authorized to conduct a commercial printing shop in competition with commercial printers.

There appears to be no constitutional or statutory authority or implied authority by which the University Press may do printing for other departments of state.

It is, therefore, the opinion of this office that it is not permissible for the University Press to print for departments of state.

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