

Opinion No. 52-5540

May 23, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Charles G. Sage Brigadier General The Adjutant General Santa Fe, New Mexico

{*250} This is in reply to your recent inquiry relative to the powers, authority and duties of The State Armory Board.

In your letter you set forth a number of powers and functions relative to control and management of armories and other National Guard property which you believe The Armory Board had acquired by virtue of the enactment of Chapter 105 of the Laws of 1947.

Section 66-702 NMSA 1941 Comp., as amended by the 1947 Legislature makes The State Armory Board "a body corporate" and gives to the board "all the powers and privileges of a body corporate" and further states: "Said board is authorized to acquire property deemed necessary for military purposes in its name on behalf of the state by purchase, grant, gift or condemnation. Sites for armories and other military purposes may be taken in the name of the board."

The effect of the grant of corporate power to The State Armory Board was to change the powers and duties of the board but little. The net effect was to continue in the board its full authority and duty to manage and control all National Guard armories and other facilities through supervision of the activity of the local armory boards. The grant of corporate status merely gives the board the additional power to transact business and to hold property in its own name for the State of New Mexico.

In addition to giving The State Armory Board corporate power the Legislature in the 1947 Act also gave them the power to acquire property for military purposes and to take title to it in the name of the board. By virtue of this authority the board, in my opinion, is the only agency of the state which can properly enter into agreement with the United States Government for participation in the Federal Aid Program for the construction of armories.

The intention of the Legislature in its enactment of the 1947 amendment was clearly to make The State Armory Board a quasi-municipal corporation to hold title in its name for the state to existing National Guard facilities, to acquire additional facilities deemed necessary for military purposes, and to continue to manage and control all such national guard property.

I trust that this will answer your inquiry fully.