

Opinion No. 55-6286

September 21, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Frank Andrews, Attorney for the Department of Public Welfare, Santa Fe, New Mexico

For the benefit of the United States Department of Health, Education and Welfare, you ask the opinion of this office as to whether or not the Department of Public Welfare is authorized by law to hold real property in its name, and whether it has authority to transfer such property.

Section 13-1-3, N.M.S.A., 1953 Compilation, provides, in part, as follows:

"The state department of public welfare shall be a public corporation, under the name of 'The New Mexico Department of Public Welfare,' and under its corporate name, an agency of the state of New Mexico; and shall at all times be and remain under the exclusive control of this state. The management and control of said department is hereby vested in the state board of public welfare herein provided for.

"Subject to the Constitution of this state, the department shall have the power: . . . (f) To purchase, lease and hold such real and personal property as is necessary or convenient for the carrying out of its powers and duties, and to exercise the right of eminent domain to acquire such real property in the same manner as the state now exercises said right, and to dispose of any property acquired in any manner"

The quoted portions of the above statute clearly, in the opinion of this office, give the Department of Public Welfare full and complete authority to hold real property in its name, and full and complete authority to transfer such property.

By Walter R. Kegel

Assistant Attorney General