

## Opinion No. 16-1754

March 9, 1916

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. John C. Watson, Secretary Armory Board of Control, Deming, New Mexico.

**Insurance policy on armories should be carried in the name of the state.**

### OPINION

{\*325} I have just received your letter of yesterday asking my opinion as to whether policies of insurance to be carried on the Deming Armory, now in process of construction, pursuant to the Act of 1915, should be carried in the name of the State of New Mexico or of the Armory Board of Control.

I believe that such policies of insurance should be in the name of the state. I have no doubt that the armory is the property of the state, and therefore it is proper that the insurance should be taken in the name of the state. By reference to Section 3905 of the new Codification, you will find language which indicates plainly that the armories are to be owned by the state and are to be under the control of an Armory Commission. This latter provision, however, is changed by Section 3907, which was passed two years later than the other section and puts the control of the armories under boards consisting of the Adjutant General and local commissioned officers. This does not, however, in any way change the legislation about the ownership of the armories. Chapter 46 of the Laws of 1915 creates a similar armory board of control for the armory proposed at Deming, and state bonds are authorized for the purpose of providing funds for the construction of the armory building, and it is specifically declared that the borrowing of money is for necessary expenses of the state. The tax for payment of interest and principal of these bonds is a tax upon the whole state. It is further {\*326} required that a deed for the site must be delivered to the Secretary of State and that the site must be furnished free of expense to the state. Everything indicates that the property belongs to the state, and upon this I base my opinion that the insurance policies should be in the name of the state.