

Opinion No. 33-558

January 30, 1933

BY: E. K. NEUMANN, Attorney General

TO: General Osborne C. Wood, The Adjutant General, Santa Fe, New Mexico.

{*27} Referring to your letter of January 25, 1933, to which was attached {*28} communications from Major John D. Lamon, Jr., a telegram from yourself to Major Lamon and a copy of a communication from the New Mexico State Tribune.

You ask if, under the Statutes, the Armory Board of Control has power to enter into a contract such as is disclosed by said correspondence.

The law is somewhat confusing, leaving one to believe that only the State Board has control over rentals. This refers, however, in my opinion, to a lease of property when same is no longer needed for National Guard purposes, rather than a one night or one week rental for dances, shows, exhibitions and the like. No doubt, the State Board has power to set aside any attempt to rent upon the part of a local board, but, in my opinion, such power should seldom be exercised.

In the present case, the local board can enter into the contract as outlined, unless such contract is set aside by the State Board under its final supervisory power, but as indicated in the foregoing paragraph, the State Board should not exercise its power without very good reasons for so doing.