

Opinion No. 36-1258

January 10, 1936

BY: FRANK H. PATTON, Attorney General

TO: Mr. Lea Rowland, State WPA Administrator, Santa Fe, New Mexico.

{*91} In accordance with your oral {*92} request to this office, we are submitting herewith an opinion as to the right of the New Mexico Relief and Security Authority to accept gifts of real estate to be held and used for a crippled children's hospital.

Chapter 86 of the Laws of 1935 established the New Mexico Relief and Security Authority and gave it the powers which it possesses. Subsection (8) of Section 4 of this law provides in part as follows:

"Subject to the constitution of this state, the Authority shall have the power: * * * to administer * * * all funds, commodities, equipment or supplies and **property of any kind** given, granted, loaned or advanced to the State of New Mexico for public assistance, public welfare, social security by private devise or gift; provided, that all supervision and administration shall be in accordance with the by-laws of the corporation adopted as hereinafter provided."

We further find that Section 5 of the act gives the Board of Directors of said Authority the power to acquire, manage and dispose of any property, real or personal, acquired by the Authority.

From the above provisions we are of the opinion that the New Mexico Relief and Security Authority has the power to receive title to real estate by gift to be used for the establishment and maintenance of a crippled children's hospital in the State of New Mexico, and further, that it has the power to supervise, manage and control said property after its acquisition.

By J. R. MODRALL,

Asst. Atty. General