

**Opinion No. 54-6012**

September 7, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** C. C. Chase, Jr. District Attorney Third Judicial District Las Cruces, New Mexico

{\*475} In your letter dated August 27, 1954, you refer to us a request from a local attorney in Las Cruces concerning negotiations by the State Department of Public Welfare for the lease of a building to be erected in order to be used by the Department. You ask our opinion concerning two questions:

1. Can the Department of Public Welfare of New Mexico enter into such agreement?
2. If such can be done, who would be the proper person to execute such lease or contract?

§ 73-103, 1941 Compilation, specifically gives the Welfare Department the power to purchase, lease and hold such real and personal property as is necessary or convenient for carrying out its powers and duties.

The Department is set up as a corporate entity with the right to {\*476} adopt and use a corporate seal and to make contracts. In view of this statutory authority, there would seem to be no doubt but that the Department could enter into a lease, or contract, for the building deemed to be necessary.

In answer to your second question, § 73-105, 1941 Compilation, provides for the creation of the State Board of Public Welfare and for the election of a chairman, vice-chairman and a secretary of said Board. Contracts of the Board should be signed by the chairman, or in his absence by the vice-chairman, attested by the secretary and bear the corporate seal of the Department, if one has been adopted.

We trust that this satisfactorily answers your inquiry.

By: C. C. McCulloh

Assist. Attorney General