

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

June 26, 1952
Opin. No. 52-196

Mr. L. S. Neeb
Secretary
State Board of Technical Registration
204 East Sixth
Tempe, Arizona

M.R.

Dear Mr. Neeb:

This is in reply to your letter of June 18 wherein you say:

"I will appreciate it very much, if you will indicate the various ways, if any, of disposing of state property, other than by going through the Arizona Condemnation Board."

We assume that you are referring to personal property but will cite you the law on the disposal of real property as well which is Section 4-319 enacted by Chapter 133, Session Laws of 1947. The law on disposal of personal property was enacted by Chapter A-9 Session Laws of 1945 and is properly Section 4-318 and is as follows:

"DISPOSAL OF STATE PERSONAL PROPERTY.

The governor, secretary of state and the state auditor shall constitute a property condemnation board and are authorized, and it shall be their duty, from time to time to examine and condemn any personal property belonging to the state, or any of its departments or agencies, when the same shall have been worn out or otherwise become useless to the state, its departments or agencies, and direct the sale of the same in the manner hereinafter provided.

After the condemnation of any such property as provided in the last preceding paragraph, the board may authorize the department in which said equipment is located to advertise the same for sale in a newspaper of general circulation published in the city of Phoenix, for a period of once a week for four consecutive weeks; and

Mr. L. S. Neeb
Secretary
State Board of Technical Registration

June 26, 1952
Page two

if the sale shall be made at any other place than the state capitol, then said advertisement shall also be published in like manner in some newspaper published in the county where said sale is to be made; said advertisement shall state the time and place where the sale is to be made and said property shall be sold at public auction to the highest bidder, for cash, and the proceeds thereof shall be paid over to the state treasurer and placed to the credit of the general fund. The necessary expenses of advertisement and sale shall be a proper charge against the funds so received and deposited with the said state treasurer, except however the board in its discretion may authorize the department having said equipment to trade the same in on new equipment.

Except as herein provided no personal property of the state, its departments or agencies, shall be sold, exchanged or disposed of; provided, this act shall not apply to property sold or exchanged between the various institutions, departments or agencies of the state, as otherwise provided by law."

We have a special law providing for the National Guard to dispose of certain types of property without going through the Condemnation Board. This is found in Chapter 67, Session Laws of 1949, and Chapter 4, Second Special Session of the 19th Legislature. Then, of course, we have our law providing for the State Land Department to dispose of state lands under its jurisdiction, also improvements that might have been placed on school or institutional land and acquired by the state.

It is therefore our opinion that the manner prescribed by Section 4-318, for the sale or transfer of personal property

Mr. L. S. Neeb
Secretary
State Board of Technical Registration

June 26, 1952
Page three

belonging to the state, its departments or agencies, is the
only legal way except by special enactment of the legislature.

Very truly yours,

FRED O. WILSON
Attorney General

CR:GG

CHAS. ROGERS
Assistant Attorney General