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ARIZONA ATTORNEY GENERAL

August 23, 1949

Frank E. Fraser
Colonel, Inf. - ICD
Executive Officer
For the Adjutant General
747 West Van Buren Street
Phoenix, Arizona

Dear Colonel Fraser:

We have your request for an opinion regarding the possibility of exchange of pipe for other material between the Industrial School and the National Guard.

Under the provisions of Chapter 67 Session Laws of 1949, Regular Session, property which is declared surplus at Fort Huachuca may be disposed of in accordance with the provisions of Section 4-318 ACA 1939. While this Section does provide in the last sentence that:

"Provided, this Act shall not apply to property sold or exchanged by the various institutions, departments or agencies of the State, as otherwise provided for by the law,"

This provision has never been carried into effect by any other legislation on this subject. In other words, there is no provision in our law whereby property may be exchanged between the departments.

It is, therefore, our opinion that an outright exchange of materials or other personal property may not be legally made between the Industrial School and the National Guard.

Col. Frank E. Fraser
Executive Officer
For the Adjutant General

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Regretting our inability to give you more
encouragement with reference to this matter, we are

Very truly yours,

FRED O. WILSON
Attorney General

PERRY M. LING
Chief Assistant
Attorney General

PML/bf

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