



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

March 25, 1974

JOHN C. DANFORTH
ATTORNEY GENERAL

OPINION LETTER NO. 71

Honorable Christopher S. Bond
Governor of Missouri
Executive Office
State Capitol Building
Jefferson City, Missouri 65101

Dear Governor Bond:

This letter is in response to your request for my opinion on the question of what agency is responsible for the management and possible disposition of the St. Louis Armory property.

The City of St. Louis, pursuant to ordinance, conveyed this property by quitclaim deed and for the sum of one dollar to the state of Missouri on March 15, 1962. The deed and accompanying agreement contained no requirement that the state use this property for any particular purpose, although the ordinance and the agreement recited that the property was to be transferred to the Adjutant General in behalf of the state of Missouri. The Missouri National Guard did thereafter use and occupy the St. Louis Armory and we therefore deem the following statute applicable:

"[The Adjutant General] shall have control of all armories that are owned, erected, purchased, leased or provided by the state. The adjutant general, in the name of the state of Missouri, may acquire by purchase and may receive by donation or dedication any property which may be used for military purposes. For the control and management of armories described in this section, the adjutant general may establish armory boards, the personnel of which shall serve without pay. Such boards, subject to the direction

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of the adjutant general, shall control, manage and supervise all activities in such armories and may rent such armories to persons or organizations not connected with the organized militia." (Section 41.160, subsection 13, RSMo)

We are aware that the Adjutant General advised the Governor on November 21, 1971, that the Missouri National Guard had completely vacated the St. Louis Armory and that all units of the guard formerly occupying it had relocated to the Jefferson Barracks facility in St. Louis County. We understand that the Governor thereafter directed the Division of Planning and Construction to control and manage the St. Louis Armory and that this arrangement has continued to the present. The division has made the armory available to local groups for recreational purposes.

The Omnibus State Reorganization Act of 1974, Senate Bill No. 1, 77th General Assembly, effective May 2, 1974, includes the following provisions:

"7. The commissioner of administration shall examine the space needs of the reconstituted agencies of state government and space available and shall with the approval of the board of public buildings assign and reassign space in property owned, leased or otherwise controlled by the state.

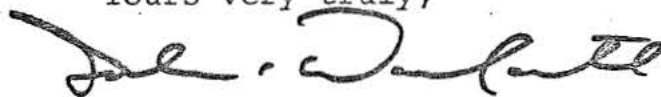
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"10. The fee title to all real property now owned or hereafter acquired by the state of Missouri, or any department, division, commission, board or agency of state government, other than real property owned or possessed by the state highway commission, conservation commission, state park board, and the university of Missouri, shall on the effective date of this act vest in the governor. The governor may not convey or otherwise transfer the title to or other interest in such real property, unless such conveyance or transfer is first authorized by an act of the general assembly. The commissioner of administration shall prepare management plans for such properties in the manner set out in subparagraph 7 above."

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We believe the future control, management, and disposition of the St. Louis Armory should be governed by the above-statutory provisions.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General