

TITLE 46
MILITIA AND MILITARY AFFAIRS

CHAPTER 7
ARMORIES AND MILITARY PROPERTY

46-701. EXPENSES OF ARMORIES AND OTHER FACILITIES FOR NATIONAL GUARD. Armories, stables, storehouses, arsenals, depots, and other agencies and facilities for the use of the national guard shall be built by the state, repairs thereto, and the maintenance, and necessary expenses for heating, lighting, and for water, shall be paid by the state, except that the state pay only such part of such expense for water, heat, or light, as was incurred for military purposes: provided further, that no moneys of the state shall be expended for any of the purposes provided in this section unless the funds be from an appropriation made by the legislature for such specific purpose.

[(46-701) 1927, ch. 261, sec. 82, p. 510; I.C.A., sec. 45-701.]

46-705. LEASES OF MILITARY PROPERTY -- APPROVAL. The adjutant general may execute a lease on any building, ground, or target range owned by the state, for a period of not to exceed five (5) years with renewal privileges thereon, at such rate of compensation as the adjutant general shall deem just and reasonable when said buildings, grounds or target ranges are not required for military purposes: provided, that said lease shall not become effective until the governor shall have approved the same: provided further, that any lease or license covering any building, grounds, or target range shall be revocable at the pleasure of the governor, and no action shall accrue against or liability be incurred by the state by reason of the revocation of such lease or license.

[(46-705) 1927, ch. 261, sec. 86, p. 510; I.C.A., sec. 45-705; am. 1951, ch. 276, sec. 4, p. 583.]

46-706. TITLE. This act may be cited as the "Armory Construction Act."

[46-706, added 1953, ch. 147, sec. 1, p. 236.]

46-707. DEFINITIONS. As used in this act:

(a) "Adjutant general" means the adjutant general of the State of Idaho;

(b) "The Federal Act" means Public Law No. 783 of the 81st Congress, (64 Stat. 829-832), entitled "The National Defense Facilities Act."

(c) "National Guard Bureau" means the National Guard Bureau of the Department of the Army and National Guard Bureau of the Department of the Air Force.

(d) "Idaho Military Facility" means an armory, readiness center, building, storehouse or training facility under the control of the Idaho National Guard and/or Idaho Military Division.

(e) "Idaho National Guard" means the Idaho Army National Guard and the Idaho Air National Guard.

[46-707, added 1953, ch. 147, sec. 2, p. 236; am. 1989, ch. 34, sec. 1, p. 44; am. 2017, ch. 30, sec. 1, p. 51.]

46-708. ADMINISTRATION. The adjutant general is hereby authorized to institute, establish and maintain a program of armory construction. The adjutant general shall constitute the sole agency of the state for the purpose of (1) making an inventory of existing armories, surveying the need for the construction of armories, and developing a program of armory construction as provided in this act, and (2) developing and administering a state plan for the construction of armories as provided in this act. Armory construction shall include construction of new facilities and expansion, rehabilitation or conversion of existing facilities.

[46-708, added 1953, ch. 147, sec. 3, p. 236.]

46-709. GENERAL POWERS AND DUTIES. In carrying out the purposes of this act the adjutant general is authorized and directed:

(a) To require such reports, inspections and investigations, and prescribe such regulations as he deems necessary;

(b) To provide such methods of administration, to appoint and hire such personnel and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder; to furnish progress reports, certificates of completion, and other documents, data, and evidence required by the federal act, or regulations thereunder, and perform such other acts as are necessary to acquire and utilize federal funds from the National Guard Bureau or other appropriate federal agencies for the purpose of this act.

(c) To procure in his discretion the temporary and intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee for services basis and do not involve the performance of administrative duties;

(d) To the extent that he considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments of the state, other public or private agencies and institutions, and any county, city, town or village.

(e) To accept on behalf of the state and to deliver to the state treasurer for deposit in the armory construction fund any grant, gift or contribution made to assist in meeting the costs of carrying out the purposes of this act as herein provided; to accept on behalf of the state any grant, gift, bequest or other conveyance of real property made to assist in the carrying out of the purposes of this act.

(f) To make a[n] annual report to the legislature on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the adjutant general considers appropriate to furnish adequate armory facilities for the Idaho National Guard.

[46-709, added 1953, ch. 147, sec. 4, p. 236; am. 1976, ch. 9, sec. 5, p. 27.]

46-711. SURVEY AND PLANNING ACTIVITIES. The adjutant general is authorized and directed to make an inventory of existing armories, to survey the need for the construction of armories, and, on the basis of such inventory and survey, to develop a program for the construction of such armories as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate armories for the personnel of the Idaho National Guard.

[46-711, added 1953, ch. 147, sec. 6, p. 236.]

46-712. CONSTRUCTION PROGRAM. The construction program shall provide, in accordance with the regulations prescribed under the Federal Act, for adequate armory facilities for the Idaho National Guard and insofar as possible shall provide for their distribution throughout the state in such manner as to best serve the interests of the Idaho National Guard.

[46-712, added 1953, ch. 147, sec. 7, p. 236.]

46-713. CONSTRUCTION, EXPANSION AND REHABILITATION OF ARMORIES -- SUPERVISION BY ADJUTANT GENERAL. The adjutant general is authorized and empowered to provide or secure all plans and specifications for, to let all contracts for, and to have charge of and supervision of the construction, expansion, rehabilitation or conversion of any and all armories as provided in this act, and the powers and duties vested in the adjutant general herein are expressly exempted from the provisions of sections [57-1101](#) through [57-1107](#), and section [67-5711](#), Idaho Code. The adjutant general is also empowered to exercise the authorities set out in section [67-5711B](#), Idaho Code, with respect to emergencies for armories.

[46-713, added 1953, ch. 147, sec. 8, p. 236; am. 1999, ch. 111, sec. 1, p. 339.]

46-714. APPROVAL OF BOARD OF EXAMINERS. Any contract with state matching funds in excess of the threshold amount specified for the requirement for formal bids in section [67-5711](#), Idaho Code, may not be let by the adjutant general until written approval of the same shall be given by the board of examiners.

[46-714, added 1953, ch. 147, sec. 9, p. 236; am. 1999, ch. 109, sec. 1, p. 337; am. 2017, ch. 28, sec. 1, p. 50.]

46-715. APPLICATION FOR FEDERAL FUNDS FOR SURVEY, PLANNING AND CONSTRUCTION -- EXPENDITURE. The adjutant general is authorized to make application to the National Guard Bureau for federal funds to assist in carrying out the survey, planning and construction activities herein provided. If any such federal funds are delivered to the state for disbursement, such funds shall be delivered to the state treasurer and by him deposited in the armory construction fund hereinafter created. Such funds are hereby appropriated to the adjutant general for expenditure for carrying out the survey, planning and construction activities. Any federal funds received and not expended for such purposes shall be refunded to the treasury of the United States.

[46-715, added 1953, ch. 147, sec. 10, p. 236.]

46-716. STATE PLAN. The adjutant general shall prepare and submit to the National Guard Bureau a state plan which shall include the armory construction program developed under this act and which shall provide for the establishment, administration and operation of armory construction activities in accordance with the requirements of the Federal Act and the regulations thereunder. The adjutant general shall from time to time review the armory construction program and submit to the National Guard Bureau any mod-

ification thereof which he may find necessary and may submit to the National Guard Bureau such modification of the state plan, not inconsistent with the requirements of the Federal Act, as he may deem advisable.

[46-716, added 1953, ch. 147, sec. 11, p. 236.]

46-717. ARMORY USE, MAINTENANCE AND OPERATION. All armories constructed with the use of federal funds under the provisions of this act shall be the property of the state of Idaho, and the adjutant general shall by regulation prescribe minimum standards for their maintenance, operation, and use. The adjutant general is authorized to permit use of such armories by public and private persons and organizations under such leases or other agreements as he shall deem appropriate, provided such use does not interfere with their use for the administration and training of the Idaho National Guard or conflict with the provisions of the Federal Act and regulations thereunder; provided, that any armory constructed with the use of Federal funds under the provisions of the Armory and Emergency Relief Facilities Act shall be jointly owned by the state of Idaho and the city or village, city or village and county, and county participating thereunder.

[46-717, added 1953, ch. 147, sec. 12, p. 236; am. 1955, ch. 52, sec. 2, p. 73.]

46-718. PRIORITY OF PROJECTS. The state plan shall set forth the relative need for the several projects included in the construction program determined in accordance with regulations prescribed pursuant to the Federal Act and provide for the construction, insofar as financial resources are available therefor and for maintenance and operations make possible, in the order of such relative need.

[46-718, added 1953, ch. 147, sec. 13, p. 236.]

46-719. ARMORY CONSTRUCTION FUND. There is hereby created in the state treasury, a separate fund to be known as the "Armory Construction Fund," and all such moneys as may hereafter come into said fund are hereby appropriated for armory construction projects and to carry out the purposes and objects of this act. All funds received from the federal government, if such funds are payable directly to the state, and all other funds received from any source to carry out the purposes and objects of this act, shall be delivered to the state treasurer and by him deposited in said "Armory Construction Fund." All moneys paid into said "Armory Construction Fund," including federal moneys and state moneys appropriated thereto, shall be used solely for the construction of new armory facilities or the expansion, rehabilitation or conversion of existing facilities as provided in this act, and such moneys shall be paid out upon warrants drawn by the state controller upon presentation of proper vouchers showing the adjutant general's approval of such disbursements. Any appropriations made to the "Armory Construction Fund" are expressly exempted from the provisions of the Standard Appropriations Act of 1945, sections [67-3601](#)--[67-3614](#), Idaho Code, from the provisions of section [67-3509](#), Idaho Code, and from the provisions of sections [67-3516](#)--[67-3523](#), Idaho Code.

[46-719, added 1953, ch. 147, sec. 14, p. 236; am. 1994, ch. 180, sec. 87, p. 485.]

46-720. AGREEMENTS NECESSARY TO COMPLY WITH UNITED STATES STATUTES FOR CONSTRUCTION OF ARMORIES AUTHORIZED. It is the sense of the legislature that the defense of the country and the general welfare of its people is the joint responsibility of the government of the United States and the several states thereof including the state of Idaho and its cities, villages and counties. In fulfilling this obligation and to promote volunteer organizations and to afford them effectual encouragement, it is necessary for the state of Idaho to provide the national guard with armories for training personnel and housing equipment. The state of Idaho desires to avail itself of the provisions of existing federal statutes, and any statutes that may be enacted hereafter relating to the construction of armories and to provide, in addition to military use, that such armories shall be available for use in event of emergencies or disasters and for community use. To permit cities and villages, cities or villages and counties, and counties to participate with the state of Idaho in the acquisition of armories and sites for armories, and to accomplish the purposes of this act, it is hereby found and declared necessary to authorize cities and villages, cities or villages and counties, and counties to levy taxes, to donate funds and property to the state of Idaho, and to enter into such agreements as may be necessary for the purpose of complying with the statutes of the United States relating to the construction of armories.

[45-720, added 1953, ch. 147, sec. 17, as added by 1955, ch. 52, sec. 1, p. 73.]

46-721. DONATIONS FROM FUNDS OF SPECIFIED GOVERNMENT UNITS AUTHORIZED FOR CONSTRUCTION AND MAINTENANCE OF ARMORIES. Any city or village, city or village and county, and county may acquire, provide, and donate to the state of Idaho funds from its general fund and from its special fund created and established in section [46-722](#)(c), [Idaho Code,] and property, for the construction, maintenance, repair, alteration, and rehabilitation of armories and armory sites as prescribed by the Armory Construction Act (chapter 147 of the Session Laws of 1953).

[46-721, added 1953, ch. 147, sec. 18, as added by 1955, ch. 52, sec. 1, p. 73.]

46-722. ACQUISITION OF ARMORY SITES, AGREEMENTS FOR FEDERAL ASSISTANCE, SPECIAL FUND AND TAX LEVIES AUTHORIZED. To accomplish the purpose set forth in this act, the governing body of any city or village, or city or village and county, and the board of county commissioners may:

(a) Purchase, receive by donation, or otherwise acquire, real property for armory sites, and armories, and convey and transfer such sites and armories to the state of Idaho in joint ownership; purchase, receive by donation, lease or otherwise acquire, personal property for use in armories and to transfer the same to the state of Idaho in joint ownership.

(b) Enter into agreements on behalf of the city or village, city or village and county, and county with the adjutant general of the state of Idaho, the Department of Defense and the Departments of Army and Air Force, for the purpose of securing federal funds for the construction, maintenance, repair, alteration and rehabilitation of armories.

(c) Establish a special fund for the purposes of this act, levy a special tax for such purposes, but no levy for the purposes of this act shall exceed two hundredths percent (.02%) of the market value for assessment pur-

poses on all taxable property in such city or village, or city or village and county, and county.

[46-722, added 1953, ch. 147, sec. 19, as added by 1955, ch. 52, sec. 1, p. 73; am. 1995, ch. 82, sec. 20, p. 232.]

46-723. JOINT OWNERSHIP OF ARMORY. Any armory constructed under this act wherein funds have been provided by a city or village, city or village and county, and county shall be jointly owned by the state and the participating city or village, city or village and county, and county; provided the participating city or village, city or village and county, and county contributes ten per cent (10%) or more of the actual construction cost, exclusive of the cost or market value of any real estate concerned.

[46-723, added 1953, ch. 147, sec. 20, as added by 1955, ch. 52, sec. 1, p. 73.]

46-724. ARMORIES CONSTRUCTED WITH USE OF FEDERAL FUNDS REGULATED BY ADJUTANT GENERAL -- ARMORY ADVISORY COMMITTEE. All armories constructed with the use of federal funds under the provisions of this act shall be under the control of the adjutant general who shall by regulation prescribe minimum standards for their maintenance, operation and use. The adjutant general is authorized to permit the use of such armories by public and private persons and organizations under such leases or other agreements as he shall deem appropriate, provided such use does not interfere with their use for the administration and training of the Idaho National Guard, or conflict with the provisions of the National Defense Facilities Act of 1950 and the regulations thereunder. To assist the adjutant general to accomplish these purposes, the adjutant general may appoint an Armory Advisory Committee, consisting of one (1) representative each from the participating city or village, or city or village and county, and county, one (1) representative from the office of the adjutant general, and one (1) representative from the national guard unit, or units, occupying the armory. The Armory Advisory Committee shall advise and consult with the adjutant general in the use of said armory and shall assist him in the promulgation and adoption of rules and regulations governing the use of said armory by public and private persons and organizations.

[46-724, added 1953, ch. 147, sec. 21, as added by 1955, ch. 52, sec. 1, p. 73.]

46-725. AVAILABILITY OF ARMORY FOR EMERGENCY AND DISASTER RELIEF PURPOSES. When the governor shall declare an emergency within any county which has an armory constructed under the provisions of this act, the governor may declare, subject to the provisions of the National Defense Facilities Act of 1950, that such armory be made available immediately to the board of county commissioners of such county for emergency and disaster relief purposes.

[46-725, added 1953, ch. 147, sec. 22, as added by 1955, ch. 52, sec. 1, p. 73.]

46-726. REVERSION OF ARMORY TO SPECIFIED GOVERNMENT UNITS WHEN NOT REQUIRED FOR NATIONAL GUARD. Any jointly owned armory constructed under the provisions of this act and not required for the administration and training

of the national guard shall revert to the control of the participating city or village, city or village and county, and county, subject to the provisions of the National Defense Facilities Act of 1950.

[46-726, added 1953, ch. 147, sec. 23, as added by 1955, ch. 52, sec. 1, p. 73.]

46-727. TITLE. This act shall be known as the "Armory and Emergency Relief Facilities Act."

[46-727, added 1953, ch. 147, sec. 24, as added by 1955, ch. 52, sec. 1, p. 73.]