

**Opinion No. 51-5333**

February 9, 1951

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{\*7} You have requested the opinion of this office as to whether or not the Capitol Custodian has authority and control over the new state office building.

Section 6-207 of the New Mexico Statutes Annotated, 1941 Compilation, provides that the capitol custodian shall have the custody and control over the state capitol grounds and buildings and premises. Section 6-208 of the 1941 Compilation gives the custodian "full charge and custody" of the grounds surrounding and belonging to the Governor's Mansion and provides that these grounds shall be considered a part of the capitol grounds. The building of which you speak is constructed partially upon grounds formerly attached to the Governor's Mansion and partially upon the capitol grounds. It, therefore, follows that the custody and control of this building is vested in the Capitol Custodian. That it was the intention of the Legislature to vest the control of later acquired buildings and property in the custodian is shown by Section 6-210, 1941 Compilation, which provides as follows:

"All property, real or personal, the title to which may be acquired by the state in pursuit of the foregoing objects, is hereby committed to the care, custody and control of the capitol custodian."

From the foregoing it is the opinion of this office that unquestionably it is the duty of the Capitol Custodian to care for and control the new office building and any other building which from time to time may be built on the capitol or mansion grounds.