

Opinion No. 67-27

February 16, 1967

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Honorable George E. Fettinger State Representative Legislative-Executive Building
Santa Fe, New Mexico

QUESTION

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Does the Capitol Building Improvements Commission have authority to acquire buildings, and thereafter alter, reconstruct or redesign them?

CONCLUSION

See analysis.

OPINION

{*33} **ANALYSIS**

The statutes dealing with the Capitol Building Improvements Commission aren't as clear as they could be in relation to your question. Section 6-2-2, N.M.S.A., 1953 Compilation defines how the Commission may spend certain funds. In pertinent part the Section provides that the funds, "May be used, by the capitol building improvements commission for the design, alteration, reconstruction, furnishing and redesigning of the capitol buildings, the erection and furnishing of new buildings."

Section 6-2-7 provides additional powers for the commission. Under this Section the Commission has the full power and authority:

1. to acquire additional lands
2. alter, reconstruct and redesign present capitol buildings; and
3. approve any alteration, to any building constructed, improved or acquired under their authority.

Certainly, the powers enumerated above contemplate that the Commission will acquire buildings as well as land.

Under the State Capitol Expansion Act, Section 6-2-20 contemplated that in acquiring new land the Commission will acquire buildings and puts the power in the Commission

to lease these buildings. Also under this Act, by virtue of Section 6-2-23 the Commission, in order to carry out the provisions of the act, can equip, remodel and furnish facilities. It is our opinion that a building acquired under authority of the State Capitol Expansion Act is a facility and may be equipped, remodeled or furnished as the Commission deems necessary.

In conclusion, we see that the Capitol Building Improvements Commission has the authority to acquire buildings in the course of expanding the capitol grounds. Further, so long as any building so acquired is a facility the Capitol Building Improvements Commission has the authority to equip, remodel and furnish it.

By: Roy G. Hill

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