

Opinion No. 19-2381

October 6, 1919

BY: N. D. MEYER, Assistant Attorney General

TO: Hon. C. E. Waller, Commissioner, Department of Health, Santa Fe, New Mexico.

Definition of Public Buildings.

OPINION

Answering your recent inquiry as to what the term "public buildings" as used in section 10, of Chapter 85 of the Session Laws of 1919, include, we beg to advise:

The part to which you refer reads:

"To inspect public buildings, institutions and premises and industries; to regulate and prescribe the location of plumbing, drainage, water supply, sewage and waste disposal, lighting, heating, ventilation and sanitation of public buildings."

I am of the opinion that the term "public buildings" as used herein includes only those buildings which are possessed and used and owned by the public. The term would extend to public schools, but not to privately owned schools, such as those conducted by the divers religions of Sisters, nor to hotels, lodging or tenement houses. However, it seems to the writer that section 23 of the health bill gives the health authorities the power to inspect all buildings, regardless of whether they are of a public or private nature, so that even if that part of section 10 in regard to which you inquire could be construed to include hotels, tenement houses, etc., it would not be any broader than section 23.