

OPINION
44-34

February 4, 1944(OPINION)

CAPITOL BUILDING

RE: Office Room

You state that due to the requests which come to the Board of Administration from time to time for space in the Capitol Building, the members of the Board have for some time had under consideration the making of a survey to ascertain whether some departments have space which could be used by other departments which are short of space. You are, therefore, asking an opinion from this office as to what authority, if any, the Board of Administration has to allocate space in the Capitol Building, among the various State departments.

When the State Capitol building was designed and plans and specifications drawn, the purpose was, of course, to provide office space sufficiently large to accommodate the offices established by the Constitution, Legislative chambers and the necessary committee rooms and such other offices as may have been created or established by Legislative enactment. In the blue prints of the several floors you will find designation has been made for the offices to be maintained thereon, and undoubtedly, consideration was given to the space which was required, the increase and expansion of the work, and the activities of the work peculiar to each office. The head of each department naturally, is in better position to determine whether there is surplus office space in his department, and also the practicability of permitting such surplus space to be used by other departments.

By way of illustration, if for instance, surplus room could be arranged for a department, then the question of practicability would arise with reference to the use thereof by another department. It would not be practical, for instance, for the Department of Public Instruction to permit another department to make use of one of its rooms, since access thereto would necessarily have to be through the same entrance used by the Department of Public Instruction. Each State department is entitled to office rooms and space for its books and records without entrance or interference by any other department.

It should be observed, however, that the Capitol building was designed for use by the State for State purposes, and the Board of Administration has no legal authority to lease any portion of the building or any office space to any private parties or even to the Federal Government without Legislative authority, and I know of no statute which gives such power to the Board.

It is true that under section 376 of the Supplement, the Board of Administration has charge and control of the Capitol and Executive mansion, the park and public grounds connected therewith. Under this statute the Board of Administration has the power, and it is its duty

to see that the Capitol Building is maintained and kept in repair and provide fuel, lights, water, and other things that may be necessary to prevent deterioration.

If a certain department has surplus space and the same can be utilized without inconvenience and open access to such department, that is, so that its privacy will not be disturbed, then there is no reason why such space could not be used by some other State department, and in such cases, the Board of Administration would have authority to act.

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