

LETTER

60-51-4

April 4, 1960

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Mr. Donald L. Lockwood  
 Executive Secretary  
 State Planning and Building  
 Commission  
 Phoenix, Arizona

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**ARIZONA ATTORNEY GENERAL**

Dear Mr. Lockwood:

The Attorney General acknowledges receipt of your letter of March 31, 1960, in which you enclose copies of resolutions adopted by the Commission on March 18, 1960 relating to alterations and remodelling of certain areas in the Capitol Building for housing agencies of the State named in the resolutions.

In connection with these resolutions you call to the attention of the Attorney General Senate Bill No. 145 which was enacted into law with an emergency clause by the Twenty-Fourth Legislature, Second Regular Session, and which creates a state department of public buildings maintenance superintendent to be appointed by the Governor, and prescribing his duties.

Senate Bill 145 does not amend Title 41, Chap. 3, Art. 5.1, Arizona Revised Statutes, which prescribes the duties of the State Planning and Building Commission, and thus that Article remains intact.

Section 41-571.11 of that article confers the following powers upon the State Planning and Building Commission:

"§ 41-571.11. Construction and alteration of buildings; submission to legislature

The commission shall have charge of the purchase or acquisition of real property, the securing of options thereon, the construction or erection of new buildings and the alteration, enlargement, rehabilitation or repair of existing buildings used or to be used by the state or any state agency which are specifically authorized by the legislature as a project or improvement to be undertaken by the commission."

Mr. Donald L. Lockwood  
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Therefore, it is the opinion of the Attorney General that the State Planning and Building Commission if authorized by the Legislature, is authorized to perform the alteration and remodelling programs referred to in those resolutions and that thereafter the maintenance of the premises so altered and remodelled is imposed upon the superintendent of public buildings maintenance as provided by Senate Bill 145.

Very truly yours,

WADE CHURCH  
The Attorney General

LESLIE C. HARDY  
Chief Assistant  
Attorney General

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