

CAPITOL BUILDING:

Custodian of House has control only over offices of members and of rooms on the third and fourth floors of West side of the Capitol.

June 12, 1969

OPINION NO. 228

Honorable Richard M. Marshall  
Representative  
Room #235B  
43rd District  
State Capitol Building  
Jefferson City, Missouri 65101



Dear Mr. Marshall:

This official opinion is issued in response to your request dated April 16, 1969, wherein you ask whether all rooms on the West, or "House" side of the Capitol Building are under the control of the Custodian of the House of Representatives, or whether only the rooms on the Third and Fourth floors on that side are under his control.

Section 23.110 RSMo 1959, provides as follows:

"The offices of the members of the house of representatives and the other offices on the third and fourth floors of the state capitol building designed for the use of the members and officers of the house of representatives, including the house chamber, the house lounge, bill rooms and file rooms and the furniture, files and supplies therein, are reserved for the permanent use of the members of the house of representatives. These rooms, together with all other rooms on the house side of the capitol building, are in direct charge and under the control of the custodian of the house of representatives, who is considered the representative and employee of the committee on legislative research. No use of any of said quarters shall be made except with the consent and upon order of the committee on legislative research."

Section 23.100, RSMo 1959, gives virtually identical authority to the custodian of the Senate with respect to rooms on the other side of the capitol.

Section 8.110, RSMo 1959, states:

"Except as otherwise provided by law, the director of public buildings has charge and control of the capitol."

Control of offices on the third and fourth floors of the House side of the State Capitol Building was given to the custodian of the House of Representatives in 1939. Laws 1939, p. 503. In 1943 such section was amended by changing the reference in the law from "Committee on Legisla-

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tive Quarters and Research" to "Committee on Legislative Research."  
Section 8.110 dates back to 1840, with various revisions. (L. 1840, p. 120)

The Capitol Building for many years has housed agencies of the executive branch of the government, as well as providing for the legislative branch. We are advised that in 1939 and in 1943 agencies of the executive branch occupied space on the first and second floors on the West side of the Capitol. This circumstance is of assistance in construing Section 23.110. It would be unusual to give the custodian of the House authority over office space such as that occupied by the Secretary of State or other executive officers. If such were the intent, it is likely that the statute would say so expressly.

We find no mention of the "House Side" of the Capitol except in Section 23.110. The term, therefore, must be construed with reference to the situation which existed when the statute containing it was enacted, and, by this construction, the house side of the Capitol would consist of the Third and Fourth floors on the West side of the building.

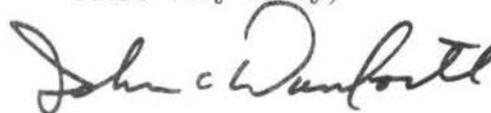
All parts of a statute are presumably included for some purpose, and the statute must be construed, if possible, so that no word, phrase or sentence will be without meaning. The first sentence of 23.110 applies to two sets of "offices," (i) those of the members of the House of Representatives, and (ii) offices designed for the use of members and officers of the House of Representatives. Some of the latter are more particularly described. The second sentence of the section refers to "all other rooms on the House side of the Capitol." This latter sentence will have meaning, according to our construction, if there are "rooms" on the Third and Fourth floors on the West side which are not "offices." There are, at the very least, rest rooms, coffee rooms, closets, and perhaps other rooms, and these would be covered by the second sentence of Section 23.110.

#### CONCLUSION

It is the opinion of this office that the Custodian of the House of Representatives has the charge and control of the offices of members of the House of Representatives, and of all other offices and rooms on the Third and Fourth floors of the West side of the Capitol Building, but that his authority does not extend to rooms on the other floors of the West side of the Capitol.

The foregoing opinion, which I hereby approve, was prepared by my special assistant, Charles B. Blackmar.

Yours very truly,



JOHN C. DANFORTH  
Attorney General