



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

June 2, 1964

Honorable Wm. J. Burke  
Executive Director  
State Board of Control  
Sam Houston State Office Building  
Capitol Station - P. O. Drawer GG  
Austin 11, Texas

Opinion No. C-262

Re: Various questions relating to  
the operation of the Centrex  
Telephone System, and other  
telephone services.

Dear Mr. Burke:

Your request for an opinion on the above subject matter reads in part as follows:

"Statement 1 - Following is one example of a situation for which an answer is desired: it is found in an installation of a Centrex Telephone Station in the State Library's storage facilities located on Industrial Boulevard in the city of Austin, Texas. In this instance while the State Library is one of the agencies identified as one to avail itself of the Centrex Telephone service, the fact remains that the storage area under the control of the State Library is at a considerable distance from the original survey area encompassed in the Centrex Telephone System survey which, in its original concept, constituted an area within a one-fourth mile radius of the Capitol Building. In this instance the cost of the Centrex station at the State Library storage facility on Industrial Boulevard is now costing the State Library more than a straight line telephone connection would cost. There are other agencies that probably have a similar situation which would also be affected by your decision in this matter.

"Our question is: Would the interest of 'economy and efficiency' be best served if the

State Library could have installed and pay for a straight line telephone at the Library and storage building on Industrial Boulevard in lieu of a Centrex Station, the service cost of which is greater than that for the straight line telephone.

"If your answer is in the affirmative then is the Comptroller authorized to pay for such straight line telephone service under the language of the Appropriation Bill in lieu of the Centrex Telephone System connection at the same location.

"Statement 2 - In January, 1965, the 59th Session of the Texas Legislature will convene. It is anticipated that during the month of December 1964 and up into January, 1965, members of the Texas Legislature will be coming to Austin to assume their legislative duties and such Legislators will require telephone service.

"Question: Under the language of HB 86 and specifically under the language of Section 51 quoted above, is there authority for the installation of telephones in the offices of the state legislators, and can such telephones be connected to the Centrex Telephone system and can charges for such Centrex System telephone service rendered to members of the Legislature be paid for under the provisions of Section 51, of HB 86 quoted above?

"Statement 3 - In certain instances and offices and related activities such as the offices of the Governor, the Attorney General and the Governor's Mansion, the telephone usage is of such nature to require 'straight line' or 'private line' telephone connections. It is imperative that such service be provided. These may be in lieu of or in addition to Centrex Telephone numbers and Centrex Telephone system service.

"Question: Can such straight line or private lines be installed and paid for out of the monies appropriated under the General Centrex appropriation provisions of HB 86 where such straight line telephone services are necessary to the efficient operation of the office of the Governor, the Attorney General, and the Governor's Mansion?

"The portion quoted above which appears on Page V-48 of the printed copy of HB 86 appears to prohibit the Comptroller paying for ' ..... any telephone service for any of the said agencies on an individual basis.' and raises the above questions.

"Your early reply to the above questions is requested. It is our studied opinion that the efficient and effective operation of the Library and others, the Governor's Office, the Attorney General's Office, the Governor's Mansion and the Legislature will be impaired if such straight line or private line telephone service and Centrex Service cannot be provided and paid for."

Section 51 of Article V, House Bill 86, Acts of the 58th Legislature, Regular Session (General Appropriation Act) provides:

"CENTRALIZED TELEPHONE SERVICE. In the interest of economy and efficiency it is the intent of the Fifty-eighth Legislature that telephone service be centralized for the following named agencies: here follows a list of State agencies

"This service shall be administered by the State Board of Control and upon notification by the Board of Control of its availability to the above-named agencies, the Comptroller shall not pay for any telephone service for any of the said agencies on an individual basis.

"Upon certification by the Board of Control as to the pro rata share of local service charges assessed to each agency based upon equipment in use, plus long distance tolls and installation charges directly incurred by the respective State agencies, the Comptroller of Public Accounts shall transfer from the items of appropriations for current and recurring operating expense to the affected State agencies, into a special operating fund within the Board of Control the amounts so derived. For the biennium ending August 31, 1965, all income to the aforementioned operating fund is appropriated to the Board of Control for the payment of telephone services only."

It is the opinion of this office that Section 51 of Article V, above quoted, constitutes a legislative direction as to the method by which telephone service is to be paid and does not constitute any limitation on the type of telephone service that may be necessary for the proper performance of the official duties of various agencies of the State. It is therefore our opinion that a private line which is not a part of the Centrex System is authorized to be installed at the Library and storage building on Industrial Boulevard, since such line, according to your request, will better facilitate the performance of the official duties of the State Librarian. Accordingly, you are advised that the Comptroller is authorized to issue warrants in payment of such telephone service, if installed.

Since monies are appropriated for the expense of the Legislature (which would include installation of telephones in the offices of members of the Legislature), it is our opinion that there is authority for installation of telephones in the offices of members of the Legislature. Therefore, these telephones can be connected to the Centrex System and charges for such telephone service may be paid through the Board of Control.

In view of the fact that in certain offices, such as the Governor's Office, the Attorney General's Office and the Governor's Mansion, the performance of official duties requires 'straight line' or 'private line' telephone connections, you are advised that such service may be provided for in addition to telephones connected to the Centrex System. Whether 'straight line' or 'private line' or other telephone connections are necessary in order to properly perform the official duties of the office is for the determination of the head of the agency using such telephone service. It is to be noted that billing for these telephone services cannot be billed on an individual basis in view of the provisions of Section 51 of Article V of the General Appropriation Act, but must be billed through the Board of Control.

#### SUMMARY

Section 51 of Article V of the General Appropriation Act (House Bill 86, Acts of the 58th Legislature) constitutes a legislative direction as to the method by which telephone service is to be paid and does not constitute any limitation on the type of telephone service that may be necessary for the proper performance of official duties of the various agencies of the State. Whenever any telephone service (not connected with the Centrex System) is required in order to perform official duties of the various agencies of

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the State, such additional telephone service may be installed and paid for. Billing for such telephone service is required by Section 51 of Article V of the General Appropriation Act to go through the Board of Control.

Yours very truly,

WAGGONER CARR  
Attorney General

By   
John Reeves  
Assistant

JR:ms

APPROVED

OPINION COMMITTEE:

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APPROVED FOR THE ATTORNEY GENERAL  
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