



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

**March 30, 1970**

Honorable Robert S. Calvert  
Comptroller of Public Accounts  
State Capitol Building  
Austin, Texas 78711

Opinion No. M- 601

Re: Interagency contract proposed between the Comptroller and the Attorney General concerning electronic terminal for use of the electronic data processing center operated by the Comptroller.

Dear Mr. Calvert:

Your request for an opinion reads as follows:

"Thank you for your letter of March 10 relative to connecting a terminal in your office to my computer.

"Since the passage of the Interagency Cooperation Act this office has held a department may not buy equipment not needed by the department but used solely to perform a contract with another department.

"So there may be no question of reimbursement to the Comptroller under an Interagency Contract with you, (assuming Board of Control approval), I request your official opinion if the Comptroller may be paid under each of the following:

"1. The Comptroller contracts with a third party to system design, program, test, and the documentation necessary to the operation of your terminal, none of such services necessary to the operation of the Comptroller's Department.

"2. The Comptroller's staff does the system design, programming, testing and documentation necessary for the operation of your terminal, none of such services necessary

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to the operation of the Comptroller's Department.

"3. The Comptroller increases its rental contract with IBM for devices added to its computer configuration, necessary to handle the addition of your terminal, such devices not necessary to the operation of the Comptroller's Department.

"4. The increased charges by IBM on a System Management Agreement which are due to the addition of your terminal, such terminal not necessary to the operation of the Comptroller's Department."

Article 6252-12, Vernon's Civil Statutes, reads as follows:

"From and after the effective date of this Act every state agency wherever practicable shall use the electronic data processing center operated by the Comptroller of Public Accounts in performing such accounting and data processing activities of the agency as may be practically adapted to the use of this equipment. The Comptroller of Public Accounts shall permit the use of the central electronic computing and data processing center equipment by all other agencies of the state with or without charge, but under such rules and regulations as may insure the proper use and functioning of such equipment for the efficient and economical management of state government."

Section 3 of Article 4413(32), Vernon's Civil Statutes, provides in part as follows:

"Any state agency may enter into and perform a written agreement or contract with other agencies of the state for furnishing necessary and authorized special or technical services, including the services of employees, the services of materials, or the services of equipment. . . ."

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In Attorney General's Opinion M-160 (1967), it was held that under the provisions of Article 4413(32) the University of Texas might enter into interagency contracts with the Coordinating Board, whereby it will furnish the Coordinating Board at cost certain data processing equipment and services.

Section 41 of Article V of House Bill 2, Acts 61st Leg., 2nd C.S. 1969 (current General Appropriation Act) provides in part as follows:

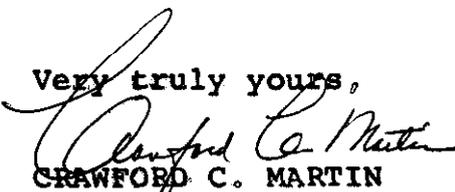
"... It is the expressed intent of the Legislature that existing tabulating and data processing installations of the State Government shall be efficiently utilized through interagency agreements with State departments and agencies needing such services, prior to the expenditure of public funds for separate and additional installations of such equipment."

In view of the foregoing you are advised that the Comptroller of Public Accounts and the Attorney General may enter into interagency contracts as outlined in your request for the use of certain data processing equipment in the Comptroller's office and the Comptroller may be reimbursed at cost pursuant to Section 3, Article 4413(32) and Article 6252-12.

#### S U M M A R Y

The Comptroller of Public Accounts and the Attorney General may enter into interagency contracts as outlined in the request for the use of certain data processing equipment in the Comptroller's office and the Comptroller may be reimbursed at cost pursuant to Section 3, Article 4413(32) and Article 6252-12, Vernon's Civil Statutes.

Very truly yours,

  
CRAWFORD C. MARTIN

Attorney General of Texas

Prepared by John Reeves  
Assistant Attorney General

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**APPROVED:  
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