



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD  
ATTORNEY GENERAL

May 13, 1953

State Board of Control Opinion No. S-39  
Capitol Station  
Austin, Texas

Re: Authority of the State  
Board of Control to let  
supply purchase contracts  
on a two year basis.

Dear Sirs:

You have requested an opinion on the authority of the Board of Control to make a two year supply contract for state departments and agencies if in the opinion of the board it is advantageous to the State.

Prior to the creation of the State Board of Control the State Purchasing Agent was authorized to contract for all supplies, merchandise and items needed for the maintenance and operation of eleemosynary and educational institutions. Such contracts were limited to a term of one year. Article 7328, Revised Civil Statutes, 1911, as amended by Chapter 126, Acts 34th Legislature, Regular Session, 1915, page 193.

It was the duty of the Superintendent of Public Buildings and Grounds to furnish State departments and agencies with furniture, fixtures and supplies. Chapter 42, Acts 35th Legislature, 4th Called Session, 1918, page 72. Contracts for supplies of State departments and agencies were not limited.

The duties of the State Purchasing Agent and the State Superintendent of Public Buildings and Grounds were transferred to the State Board of Control by the Legislature in 1919. Chapter 167, Acts 36th Legislature, Regular Session, 1919, page 323. The articles prescribing the duties of the State Purchasing Agent, State Superintendent of Public Buildings and Grounds and State Board of Control were codified in the Revised Civil Statutes, 1925, as articles 601-695.

Since the Constitution and statutes of this State are silent as to the length of term for which a supply contract for State departments and agencies may

be made, the only provision affecting the term of such contracts are those constitutional provisions which provide that no debt may be created by or on behalf of the State and that an appropriation of money cannot be made for a longer term than two years. Charles Scribner's Sons v. Marrs, 114 Tex. 11, 262 S.W. 722 (1924); McNeal v. City of Waco, 89 Tex. 83, 33 S.W. 322 (1895); Att'y Gen. Op. S-18 (1953). It is therefore our opinion that the Board of Control may legally award supply contracts for State departments and agencies for a term of two years provided supplies for eleemosynary and educational institutions are not included in the contracts. Contracts for the supplies of such institutions are limited to a term of one year. Arts. 642-645, V.C.S.

SUMMARY

The State Board of Control may legally award supply contracts for State departments and agencies for a term of two years provided that supplies for eleemosynary and educational institutions are not included in the contracts.

Yours very truly,

APPROVED:

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JR:am