



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON  
ATTORNEY GENERAL**

August 18, 1961

Honorable H. R. Nieman, Jr.      Opinion No. WW-1120  
Executive Director  
State Building Commission      Re: Authority of the State  
State Office Building            Building Commission to  
Austin 1, Texas                    obtain services and  
    enter into contracts  
    with other State  
    Agencies.

Dear Mr. Nieman:

You have requested an opinion as to the legal authority of the State Building Commission to obtain services and enter into contracts with other State Agencies or Departments of State Government regardless of the approval of any other State Agency.

The factual background of this request is as follows: The Comptroller of Public Accounts returned a State of Texas Purchase Voucher submitted to it by the State Building Commission, and requested that such purchase voucher be approved by the Board of Control. The payee under this purchase voucher was the Texas Highway Department, and the services rendered to the State Building Commission by the Texas Highway Department were for soil testing and analyses for the State Building Commission in the Capitol Area Expansion Plan Program and for copies of logs and tabulation data pertinent thereto. The charges for such services amounted to \$435.00. These services were rendered by the Texas Highway Department pursuant to a contract previously entered into by and between the State Building Commission and the Texas Highway Department. The purchase voucher contained upon it, as authority for such contract and the payment for the services rendered, a reference to Section 5 of Senate Bill 134, Acts 54th Legislature, Regular Session, such bill being codified as Article 678m, Vernon's Civil Statutes.

Section 5 of Article 678m, Vernon's Civil Statutes provides that:

"The Commission is authorized to take any action and enter into any contracts necessary to provide for the

obtaining of sites and the planning, designing and construction of the buildings and memorials provided for by Section 51-b, Article III of the Constitution, and the Commission is also authorized to take any action and enter into any contracts to obtain sites which it deems necessary in order to provide for the orderly future development of the State Building Program which is contemplated by this Act, insofar as appropriations permit. . . . the Commission may call upon the Texas Highway Department to make appropriate tests and analyses of the natural materials at the site of each building constructed . . . to insure that foundations of said buildings will be adequate for the life of the buildings." (Emphasis added)

Section 8 of Article 678m, Vernon's Civil Statutes, provides that:

"The Commission shall have the authority to call on any Department of State Government to assist it in carrying out the duties of the Commission. And particularly, it shall be the duty of the Board of Control to do and perform such acts and functions in connection with this Act as the Commission may direct; and to that end any portion of the money appropriated to the Commission may be allocated by the Commission to the Board of Control and expended by it under the direction of the Commission in carrying out the provisions of this Act." (Emphasis added)

The above quoted provisions of Article 678m would constitute sufficient authority for the State Building Commission to obtain the services of and enter into contracts with other state agencies. In Attorney General's Opinion No. WW-349 (1958), this office held, in passing upon the validity of a proposed contract between the State Building Commission and the Texas State Historical Survey Committee in which the Texas State Historical Survey Committee was to provide certain

Honorable H. R. Nieman, Jr., page 3 (WW-1120)

services for the State Building Commission, that there was authority for such contract under the provisions of Article 678m.

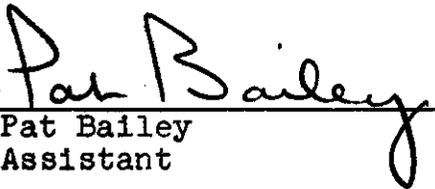
The provisions set forth in Article 678m do not designate as a requirement that such contracts be approved by the Board of Control. Consequently, we are of the opinion that contracts pursuant to Article 678m are not required to be approved by the Board of Control.

S U M M A R Y

Contracts entered into by the State Building Commission with other State Agencies pursuant to the provisions of Article 678m do not require the approval of the Board of Control.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Pat Bailey  
Assistant

PB:lgh

APPROVED:

OPINION COMMITTEE  
W. V. Geppert, Chairman

Elmer McVey  
Morgan Nesbitt  
Bob Eric Shannon  
Thomas Burrus

REVIEWED FOR THE ATTORNEY GENERAL  
BY: Howard W. Mays