



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

January 29, 1971

Hon. H. R. Nieman, Jr., Director
State Building Commission
409 Sam Houston Building
Austin, Texas 78711

Opinion No. M-780

Re: Authority of the State
Building Commission to
contract for equipment
as a part of a moderni-
zation, remodeling or
building construction
project.

Dear Mr. Nieman:

Your request for an opinion asks the following question:

"Does the State Building Commission have the authority to contract for equipment as part of a modernization, remodeling or building construction project?"

The above question concerns a contract for "repair, remodeling work and provision of equipment" in the Capitol Building.

Section 51-b of Article III of the Constitution of Texas in its relevant portion provides:

"(c) Under such terms and conditions as are now or may be hereafter provided by law, the Commission may acquire necessary real and personal property, salvage and dispose of property unsuitable for State purposes, modernize, remodel, build and equip buildings for State purposes, and negotiate and make contracts necessary to carry out and effectuate the purposes herein mentioned." (Emphasis added.)

Pursuant to these provisions of Section 51-b, the Legislature enacted Articles 678m and 678f, Vernon's Civil Statutes. Section 23 of Article 678m provides:

"Sec. 23. When the Supreme Court of this State, the Court of Criminal Appeals, the offices of the Attorney General and the State's Attorney

and the Supreme Court Library shall have moved from the State Capitol Building, the Board of Control is directed to make available for the use and occupancy of the Legislature such offices and committee rooms as the Legislature shall consider necessary and appropriate for the efficient conduct of the affairs of the House of Representatives and the Senate; provided, that office facilities which are substantially equal in quality and space shall be made available for individual members of the House of Representatives and shall be assigned among the members by lot, conducted as the House shall direct. The State Building Commission is hereby empowered and directed to allocate from the State Building Fund an amount sufficient to cover the cost of remodeling and repairing the State Capitol Building to provide the space made available under the authority of this section for the use and occupancy of the Legislature."

In Attorney General's Opinion M-695 (1970) it was held:

"On the basis of the preceding discussion, it is our opinion that the State Building Commission under the authority of the provisions of Section 51-b, Article III of the Constitution of Texas, Article 678m, Vernon's Civil Statutes, and Article 4413(32), Vernon's Civil Statutes, may contract directly with the Senate and House of Representatives to provide building repair and remodeling services. Moreover the Senate and House of Representatives is authorized to pay the State Building Commission for these services under the authority of Attorney General's Opinion C-78 (1963) upon vouchers drawn for this purpose by the Senate and House of Representatives payable to the State Building Commission."

Your request states that the Comptroller of Public Accounts has some doubt as to whether the State Building Commission has the authority to equip buildings as a part of modernization and remodeling, as well as those newly constructed.

Section 51-b of Article III of the Constitution of Texas specifically authorizes the State Building Commission to "equip

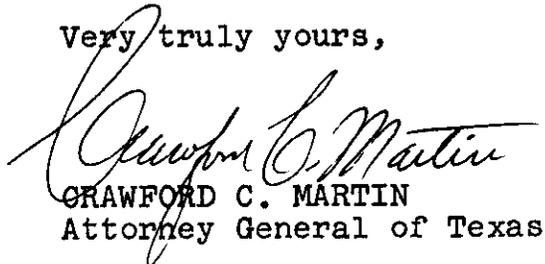
buildings for State purposes" and to "make contracts necessary to carry out and effectuate the purposes herein mentioned." Equipping buildings is not limited to new construction. The word "equip" means to furnish for service or to supply with whatever is necessary to efficient action, and the word "equipment" includes furnishings. It is "elastic" in meaning. Black's Law Dictionary, Fourth Ed., p. 631, and cases cited; also Moon v. Alred, 277 S.W. 787 (Tex.Civ.App. 1925, error dismissed).

Therefore, you are advised that the State Building Commission has the authority to contract for equipment as a part of a modernization, remodeling or building construction project.

S U M M A R Y

Pursuant to the provisions of Section 51-b of Article III of the Constitution of Texas and Article 678m, Vernon's Civil Statutes, the State Building Commission has the authority to contract for equipment as a part of a modernization, remodeling or building construction project.

Very truly yours,



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