Opinion No. 68-95

September 16, 1968

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. Dewey A. Schluter, Jr. Director Department of Automated Data Processing P.O. Box 569 Santa Fe, New Mexico

QUESTION

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Is it legal for the Department of Automated Data Processing to eliminate the payroll stub and substitute a quarterly report?

CONCLUSION

See Analysis.

OPINION

{*149} **ANALYSIS**

In order to effect the economical and efficient use of state automated data processing equipment, the legislature created the Department of Automated Data Processing. Sections 4-25-1 through 4-25-7, N.M.S.A., 1953 Compilation. It is the function of this department to perform those computer services requested by the various agencies and departments of this state. See Section 4-25-7, supra.

In order to carry out the above functions the Department of Automated Data Processing has been given certain powers, including the power to

"prescribed standards governing automated data processing systems work, programming methods, and **form of input data where** data is processed by the department . . . Section 4-25-7 (g). N.M.S.A., 1953 Compilation." (Emphasis added)

The only question is whether the above quoted section is broad enough to give the Department of Automated Data Processing the power to determine the services needed by the various agencies and departments of this state.

We believe that it is clear that Section 4-25-7 (g), supra, merely gives the Department of Automated Data Processing the power to prescribe the form of the information that is to be fed into the computers under its control. It has been given no power to determine the needs of the agencies for which it is performing computing services. It is therefore our opinion that if payroll stubs are to be eliminated by the Department of Automated Data

Processing it must be at the specific request of the department in charge of payrolls, the Department of Finance and Administration.

By: Gary O'Dowd

Assistant Attorney General