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OFFICIAL OPINION NO. 24

October 20, 1975

Honorable Phillip E. Bainbridge
Speaker, House of Representatives
2107 Ridgewood
Highland, Indiana 46322

Dear Speaker Bainbridge:

This letter is in response to your request for my Official Opinion in answer to the following questions:

1. "What is the definition of the term 'governmental unit' as used in IC 1971, 17-2-74-7 and what are the prerequisites to be followed in the determination of the qualifications necessary in order to qualify for membership thereunder?"
2. "Does the Lake County Department of Public Welfare fall within the definition of the term 'governmental unit' as the latter is used in the above cited statute?"

ANALYSIS

The 1967 Data Processing Act, Indiana Code of 1971, Section 17-2-74-1, *et seq.*, uses the term "governmental unit(s)" and "unit(s) of government" to refer to those entities with which the respective data processing agencies created by the Act may contract to supply data processing services. Since the Act is silent as to any specific or special definition to be applied to these terms, rules of statutory construction would dictate that they be interpreted in a customary and usual sense consistent with the purposes of the Act.

The avowed purpose of the subject Act is found in Code Section 17-2-74-1, which provides as follows:

"It is the purpose of this act [17-2-74-1—17-2-74-10] to authorize any county having within its boundaries one or more cities of the second class to institute and conduct studies to determine the need for and the economic feasibility of the acquisition of data process-

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ing equipment in processing financial and statistical data and the preparation of statutory and administrative reports in the various governmental units within the county; to authorize the establishment of a data processing agency and to authorize contracts between such data processing agency and other governmental units to provide data processing services.”

The apparent intent of the legislature was to create a mechanism whereby a central data processing facility could be established in eligible counties. Although the jurisdiction and supervision of the facility would lie in a county level “data processing agency,” it would serve all levels of government in the counties.

An analysis of the representation on the “data processing study and advisory committee” to be established under Code Section 17-2-74-2 provides some clues as to the types and sources of data which the center should accommodate. It includes representation from the county, cities, municipal utilities, and municipal school corporation. It thus appears that the legislature intended by the use of the terms “governmental unit(s)” or “unit(s) of government” to refer to the various local governmental entities within the county having the power to levy taxes, including the county itself, cities, town, townships, public libraries, school corporations, and special taxing districts. Each separate unit would be responsible for contracting with the data processing agency within its county to provide services for its respective agencies and departments. Under this construction of the Act, the Lake County Department of Public Welfare is not a “governmental unit” in and of itself but rather is an agency of county government.

CONCLUSION

It is, therefore, my Official Opinion (1) that the term, “governmental unit,” as used in Code Section 17-2-74-4, refers to those local governmental entities within an eligible county having the power to levy taxes, including, but not limited to the county itself, also cities, towns, townships, public libraries, school corporations, and special taxing entities; and

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(2) that the Lake County Department of Public Welfare is *not* a "governmental unit" under Code Section 17-2-74-7 but rather is an agency of the county. Thus as an agency of Lake County government, the Department of Public Welfare may use data processing facilities established in Lake County under Code Section 17-2-74-1 *et seq.* on the same basis as all other agencies of the county.