

OPINION 46

The present provision for reprinting Reports is found in Section 10, Chapter 170, Acts of 1891, Burns' 49-1625 which reads as follows:

“Whenever the copies of any volume of the reports published by the state shall be exhausted so that the secretary of state shall have *no more than twenty (20) for sale at retail*, it shall be the duty of the commissioners of public printing and binding to cause, in the mode required by law, a new edition of two hundred and fifty (250) copies to be printed from the said stereotype plates and bound *and put on sale by the secretary of state* at the price fixed as aforesaid.” (Our emphasis.)

You will note that the above quoted provision contains no reference to free distribution of reprints in any manner.

I am of the opinion that the first quoted statute in this opinion limits the free distribution of Reports to the Supreme Court Law Library to the original printing and I find no authority for such distribution of reprinted volumes.

HVW:vb

OFFICIAL OPINION NO. 45

Opinion No. 45 has never been issued.

OFFICIAL OPINION NO. 46

May 25, 1949

Mr. Deane E. Walker,
State Superintendent of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Mr. Walker:

Your letter of May 13, 1949 has been received requesting an official opinion on the following question:

"The question has been raised as to whether or not the recent acts concerning the limitation of taxes for the purpose of supporting and maintaining public libraries in any way changes the powers granted to a school city under Chapter 79 of the Acts of 1937.
* * *."

This question concerns and is presented by the School City of South Bend.

By the "recent acts" referred to in the above question I assume you are referring to the "Library Law of 1947," Chapter 321, Acts 1947 same being Section 41-901 *et seq.* Burns' 1947 Supplement.

Under Section 4 of said 1947 Act, same being 41-904 Burns' 1947 Supplement, Class II libraries are exempt from the compulsory provisions of said law, said section of the statute in part reading as follows:

"* * * and libraries in cities having a population of 100,000 or more as shown by the last preceding United States census and operating under chapter 79 of the Acts of 1937 (§§ 28-2062—28-2079). Libraries in Class II are exempt from the compulsory provisions of this act and will continue to operate and function pursuant to the laws in effect at the time of and prior to the passage of this act, and shall continue to have the power and right to manage, operate, levy taxes, control the finances, and to perform all necessary acts as they can now do under existing laws, although the boards of trustees of such libraries may elect to have the powers and rights with respect to the management, control, financing, issuance of bonds and levy of taxes of and for said libraries as are contained and enumerated in this act."

From the foregoing it is clear that cities having a population of 1000,000 or more as shown by the last preceding United States census, which would include the City of South Bend, are specifically exempt from the compulsory provisions of said 1947 Library Act unless the Board of Trustees of such

OPINION 47

Library elect, pursuant to the above section of the statute, to have their libraries come within the provisions of said Act.
TLW:ar

OFFICIAL OPINION NO. 47

June 2, 1949

Mr. Robert Hougham,
Executive Secretary,
Indiana State Teachers' Retirement Fund,
Room 336, State House,
Indianapolis 9, Indiana.

Dear Mr. Hougham:

Your letter of May 11, 1949 has been received and reads as follows:

"An amendment to the Teacher's Retirement Fund law in 1947, in Section 3, Chapter 353, Acts of 1947, directed the payment of certain increases in annuities to persons then retired; and appropriated \$300,000 annually for the payment of such increases.

"The retirement fund has requisitioned against this \$300,000 for this fiscal year ending June 30, 1949, the following amounts: * * * (\$30,667.02, as itemized)
* * *

"Since this creates an accrued liability deficit of \$30,667.02, in addition to the \$300,000.00 specifically appropriated by the act, the question has arisen as to how and from what fund this additional money may be obtained to fulfill the provisions of the law with respect to these retired teachers. We, therefore request your official opinion as to the course we shall take in this matter."

Sub-section (g) of Section 1 of Chapter 353 of the Acts of 1947 provides as follows:

"In the year Nineteen Hundred Forty-seven there shall be levied not less than six cents (6c) on each