Mr. Noble W. Hollar,
Chairman State Board of Tax Commissioners,
301 State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of August 4, 1949, has been received requesting an opinion on the following question:

"Does the school city of South Bend have the power to create cumulative building or sinking fund for the erection of a public library?"

Section 28-1108 Burns' 1948 Replacement, being Section 1, Chapter 57, Acts 1945, commonly known as the Cumulative Building Fund Statute, provides in part as follows:

"All school corporations, officers thereof, boards of school trustees, school commissioners, and township trustees are hereby authorized to provide a cumulative building or sinking fund to provide funds for the erection of new school buildings and the remodeling of old school buildings. * * *"

It has been held that words in a statute must be construed in their plain, ordinary and usual meaning unless a contrary purpose clearly appears.

Section 1-201 Burns' 1933;
Garvin v. Chadwick Realty Co. (1937), 212 Ind. 499, 506;
Dreves v. Oslo-School Township (1940), 217 Ind. 388, 397.

It is also the rule that courts will look to the general purpose and scope of a statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 216 Ind. 555, 567.
Webster's International Dictionary, Second Edition, defines the word "school" in part as follows:

"A building or room given over to instruction."

Also,

"A place for instruction in any branch or branches of knowledge; an establishment for imparting education."

Generally speaking, when we refer to a school building we do not ordinarily mean a public library, but by the same token the public libraries operated by school cities to be used in connection and in conjunction with the public schools of said city could be school buildings, especially where, as is now the custom, instruction is given therein in research and in the location of reference material used in connection with school work.

In an Official Opinion of this office, being 1949 Indiana O. A. G., Official Opinion Number 46, it was held that the City of South Bend was governed by Section 28-2062 et seq. Burns' 1948 Supplement, same being Chapter 79, Acts 1937 and as such was specifically exempt from the provisions of the Library Law of 1947, same being Chapter 321, Acts 1947, Section 41-901 et seq. Burns' 1948 Replacement.

Chapter 79, Acts 1937, supra, applies to the government of common schools in the cities having a population of more than 100,000 persons and less than 300,000 persons. Among other pertinent provisions of said Act are the following:

Section 3 of said Act, same being Section 28-2064 Burns' 1948 Replacement provides as follows:

"The general school laws of this state and all laws and parts of laws now or hereafter applicable to the general system of common schools, and not inconsistent herewith, shall be in full force and effect in such school cities, and such school cities, in addition to other powers granted herein, shall have and exercise all the powers not inconsistent herewith, now or hereafter conferred upon school cities and the board of school trustees thereof under any law of this state now or
hereafter applicable to school cities generally and to school cities coming under the provisions of this act.”

Section 7 of said Act, being Section 28-2068 provides in part as follows:

“Sixth, as a part of and in connection with the common school systems of their respective school cities, to establish, own and conduct free public libraries and branches thereof, to have exclusive custody, management and control of and be vested with the title to, any such libraries and branches, whether now or hereafter established or constructed. Such libraries shall remain open and free for the use and benefit of all the inhabitants of their respective cities.”

Section 8 of said Act, same being Section 28-2069 Burns’ 1948 Replacement, in part reads as follows:

“* * * Provided, however, That if any school city coming under the provisions of this act shall, at the time this act shall become effective as to it, possess a building and ground fund raised by general taxation, then and in such event such fund shall only be used for the acquisition and improvement of real estate, the acquisition, construction, erection, alteration, repair, improvement and additions to school and library buildings and in paying any valid liabilities of such school city incurred for such purpose.”

From the foregoing it is clear the libraries in such city are erected, equipped and maintained by and as a part of the school city. Such school city is not subject to the compulsory provisions of the 1947 Library Act with reference to tax limitations but is subject to the general provisions of the statutes with reference to tax limitations which affect the maintenance of schools by the school city as well as its libraries.

From the foregoing I am of the opinion that a school city operating the public library of such city under the provisions of Chapter 79 of the Acts of 1937 would be warranted in classifying its public library as a school building within the meaning of Section 28-1108 et seq. Burns’ 1948 Replacement, being the Cumulative Building Fund statute and for that
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reason would be authorized to create a cumulative building or sinking fund for the erection of a public library under the provisions of said Cumulative Building Fund statute.

OFFICIAL OPINION NO. 86

September 20, 1949.

Mr. B. B. McDonald,
Assistant Director Bureau of Motor Vehicles,
State House,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of August 15, 1949, as follows:

"Your official opinion is respectfully requested on the following:

"BRS 1933 Section 17-110 provides:

'A fee of $3.00 per person per annum at the rated carrying capacity, allowing 16 inches for each person, exclusive of the driver, shall be paid upon the registration or re-registration for each calendar year for each auto bus operated over any of the public highways of the state, but not on a regular schedule of time and rates.'

"Vehicles of this type include special party and private bus and busses leased to railroad companies and other firms, used for the express purpose of transporting employees to and from work.

"Chapter 258, Acts of 1949 does not take this type of equipment into consideration. How can the Bureau of Motor Vehicles properly plate this type of equipment?"

House Enrolled Act No. 393, same being Chapter 258 of the Acts of 1949 as pointed out in your letter makes no provision for busses not operated on a regular schedule of times