Specifically:

1 and 2. No legal authority exists, either before or after the effective date of Chapter 275 of the Acts of 1947, for publishing legal notices in more than one newspaper of the same political affiliation.

3. Since the Perry County Democrat is not a legal newspaper within the definition of that term by the statute, the Library Board of the city of Cannelton may not publish notice in the Perry County Democrat unless and until it does qualify as a legal newspaper.

4. The law does not authorize the payment of public funds for legal notices unless there is statutory authority for such publication of legal notices in the newspaper in which they are published. Therefore, the payment of publication costs to the Perry County Democrat out of public funds is not authorized.

OFFICIAL OPINION NO. 60

October 1, 1947.

Hon. John D. Pearson,
Insurance Commissioner,
State House,
Indianapolis, Indiana.

Dear Mr. Pearson:

I have your letter of September 17, 1947, in which you request an official opinion upon the following question:

> "An opinion is desired relative to the provisions of Chapter 269 of the Acts of the General Assembly session of 1947.
>
> "Specifically, is it mandatory that all rating organizations organized and operating for the purpose of establishing rates under the provisions of Chapter 111 of the Acts of the General Assembly as a requirement for license in the State of Indiana to comply with the provisions of Chapter 269 where subscribers and members are not domestic insurance corporations?"

Chapter 269 of the Acts of the Indiana General Assembly for the year 1947, page 1974, provides in part as follows:

> "Section 180a. That any insurance rating bureau which files any rating plan, manual, classifications, rules or rates for fire, marine or inland marine and allied risks insurance with the Insurance Department of the State of Indiana for its members or subscribers shall as a condition precedent to the filing of an application to act as a rating bureau in the State of Indiana, establish in its constitution or by-laws the right of domestic insurers organized and operating under the laws of the State of Indiana, *who are members of such rating bureau,* to have representation on the Board of Directors, Board of Governors or any other governing body whatsoever, controlling said rating bureau, in an amount of not less than 33 1/3% of all of the voting members of such governing body. The constitution and by-laws of said rating bureau shall also contain the condition that all meetings of the governing body of said rating bureau shall be held either in Chicago, Illinois or in Indianapolis, Indiana; Provided, however, that nothing contained herein shall limit the representation of such domestic insurers on said governing body. Indiana representatives on such governing body shall be nominated by special meeting of the Indiana members of such rating bureau at least 10 days preceding the election of representatives on the governing body of such rating bureau. The Insurance Commissioner of the State of Indiana shall have no right to approve any such rating bureau as a rating bureau in the State of Indiana until the aforesaid conditions are met by such bureau." (My emphasis).

It seems clear from the foregoing statute that insurance rating bureaus filing rates for fire, marine or inland marine and allied risks insurance with the Department would not be required to comply with the provisions of the foregoing statute if they do not have any members or subscribers who are domestic insurers.

If there is any ambiguity in the foregoing statute the courts will look to the general purpose of the statute and the evil to be remedied. (City of Indianapolis v. Evans (1939), 216 Ind. 555, 567).

The obvious purpose of the foregoing statute is to require representation of domestic insurers on governing boards of rating bureaus of which they are members. Certainly the purpose of this statute would not be served in requiring such representation in organizations of which domestic insurers were not members, and the application of the foregoing statute in such a case would lead to an absurd result. As stated in Decatur Township v. Board of Commissioners of Marion County (1941), 111 Ind. App. 198, 209:

> "It has often been stated by the court, that in the construction of statutes the prime object is to ascertain and carry out the purpose and intent of the Legislature; that to do this the words should first be considered in their literal and ordinary signification; that if, by giving them such a signification, the meaning of the whole instrument is rendered doubtful, or is made to lead to contradictions, or absurd results, the intent, as collected from the whole instrument, must prevail over the literal import of terms, and control the strict letter of the law. City of Indianapolis v. Huegele (1888), 115 Ind. 581, 587, 18 N. E. 172."

Applying the foregoing rules of statutory construction to Chapter 269 of the Acts of 1947, it is my opinion that it is not mandatory for rating organizations organized and operating for the purpose of establishing rates for fire, marine or inland marine and allied risks insurance to comply with the provisions of Chapter 269 of the Acts of 1947 where they have no domestic insurance corporations as members or subscribers of its organization.