July 1, 1947, July 1, 1948, which notes shall not be an obligation on behalf of the state, but are to be paid only from funds accruing in the revolving fund of the Division of Lands and Waters of the department.

OFFICIAL OPINION NO. 14

February 20, 1946.

Hon. C. Clifton, Director,
State Printing Board,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter of January 23, 1946 which reads as follows:

"The Board of Public Printing is making an effort to eliminate printing by various departments and institutions of pamphlets which are not absolutely essential, which are duplication of matters published under some other form, and which do not have any great interest to the general public.

"Since the last session of the Legislature, many departments have requested publication in pamphlet form of the laws pertaining to their departments. Such publications are a duplication of the Acts.

"The State Printing Board has an appropriation of $35,000 per year in which some twenty governmental departments participate. The balance of the departments operate under their own budgets.

"The Printing Board would like to have an opinion as soon as possible as to whether it has the authority both in the case of the State appropriation and the appropriations of individual departments to refuse orders for the publications of such pamphlets if, in its discretion, they are not essential and the expense involved does not justify the printing of same."
Since the Board of Public Printing is a statutory administrative board, its powers are limited to those expressly conferred or necessarily implied.

Wallace v. Dohner (1929), 89 Ind. App. 416 at 420;
Dept. of Ins. v. Church Members Relief Ass’n. (1940), 217 Ind. 58 at 60.

The powers of the Board of Public Printing are found in Section 4, Chapter 124, page 349 of the Acts of 1941 (63-1641 Burns’ 1933 R. S.). That section reads in part as follows:

“The board of public printing shall have power and it shall be its duty to act as purchasing agent for all state offices, departments, commissions, boards, bureaus, state educational institutions, and all other state institutions in the purchase of all manner of printing, lithographing, binding, stationery, electrotypes, engravings, printing materials, and any and all office supplies authorized by law to be paid for out of state funds, and to enter into contracts with respect thereto: * * *”

The powers and duties as set forth in that Section would seem to control all other powers conferred upon the Board in so far as our question is concerned. For instance, in Section 5 of the same Act as amended by Section 2, Chapter 48, page 97 of the Acts of 1945 (63-1642 Burns’ 1933 R. S.) which authorizes the promulgation of rules and regulations would seem to be confined to the making of rules and regulations for the method of awarding contracts and other authorized activities of the board.

Section 10 of the Act, as amended by Section 4, Chapter 48, page 17, Acts of 1945 (63-1647 Burns’ 1933 R. S. Supp.) provides in part as follows:

“* * * All material and work shall be subject to the inspection of the director of the board of public printing, and shall be accepted or rejected by the board of public printing, as the same shall or shall not be according to contract. No bill for supplies fur-
nished under any contract with such board shall be
paid until the board shall have approved and allowed
said bills."

And Section 13 of the Act (63-1650 Burns’ 1933 R. S.)
provides in part as follows:

“All purchases made by the board of public print-
ing for any state offices, departments, commissions,
boards, state educational institutions, or any other
state institution, as herein provided, shall be paid
for upon approval of the board of public printing
from the respective appropriations made for such
purpose.”

In the light of its fundamental purpose and powers, I see
no justification for reading into those parts of the Act a
requirement that the necessity for the purchase be subject
to the approval of the Board of Public Printing. The pur-
pose of those provisions is to enable the Board of Public
Printing to check printing materials and supplies which are
furnished for compliance with contracts before payment—a
function in which it would be expertly qualified to act and
in which the various departments would have had very little
experience.

There is a provision in the case of emergency printing as
set forth in Section 8 of the Act, amended by Section 3,
Chapter 48 of the Acts of 1945 (63-1645 Burns’ 1933 R. S.)
which reads as follows:

“* * * In the event that, if at any time during
any year emergency printing, lithographing, binding,
stationery, electrotypes, engraving, printing mate-
rials and other office supplies shall be required by any
department of the state, or any state educational insti-
tution and such additional requirements are approved
by the board, the director of the board shall give
notice by advertising twice in not less than three (3)
nor more than five (5) daily newspapers of general
circulation, published in different sections of the state
of Indiana, that bids will be received.”
I am informed, however, that emergency purchases are not at present made by the board, and it is not necessary to construe the meaning of the word "approved" that is used in that Section.

I find no statutory provision for purchases by the board out of its own appropriation in certain instances and purchases out of departmental appropriations in others. Neither do I find any enumeration in the 1945 Appropriation Act as to what departments shall have their own printing appropriations. The only conclusion that I can draw is that it has been customary for the Board of Public Printing to obtain appropriations from the Legislature for certain officers and departments, whereas others receive departmental appropriations for such purposes.

Necessarily, the Board of Public Printing would have control and discretion in the expenditure of its own appropriations. However, since it is designated as a purchasing agent, and acts only as purchasing agent for departments expending their own appropriations, my conclusion is in view of the language of the whole Act as amended, that if the expenditure by the department is authorized by law, the Board of Public Printing has no veto power over the purpose and use of the appropriation. The necessity for the expenditure is vested in the discretion of the proper officer, board, or department, and even though the Board of Public Printing may feel that it is being expended unwisely, it has no veto power over the expenditure.

By that, I do not mean to infer that there is no state control over loose expenditure of public funds, but no part of that control is vested in the Board of Public Printing except as to its own appropriation.