One of the definitions given in Webster's Dictionary of the word "at" is as follows:

"1. Indicating simple presence in, on, or by, or contiguity to; * * * c. Presence in an occurrence, event, or assemblage; as, at the wedding or convention. * * *" (Our italics.)

It is therefore my opinion that the language of said Section 2 as quoted above means at the time of the convening of the regular session of the General Assembly or, stated differently, it means when the General Assembly has convened or within a reasonable time thereafter.

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Opinion No. 107

Hon. Hugh W. Abbet, Chairman
Public Service Commission,
Indiana Transportation Survey,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in answer to your inquiry as to the payment for printing the report of the Indiana Transportation Survey Commission. You say:

"The Indiana Transportation Survey Commission, created by Concurrent Resolution of the General Assembly (Ch. 320, p. 1069, Acts of 1943) has completed the studies required by the Resolution referred to and is recommending certain legislative action to be taken by the General Assembly, consisting of certain changes in existing statutes and the enactment of a new statute. The proposals concerning such legislation are now being printed by the State Printing Board. * * *

You further say:

"The question has arisen as to whether payment for the printing of the proposed legislation including a
suggested new act and changes in existing statutes, as recommended by the Commission and referred to in and accompanying its report, should be made out of funds of the State Printing Board under authority of the following language contained in Secs. 3 and 4 of the 1943 Resolution.”

Section 3.
“Upon completion of such survey said commission shall make and file with the governor a report of its findings, drafts of bills, and recommendations, which shall be published for general distribution throughout the state not later than September 30, 1944. Said report shall be transmitted by the governor to the regular session of the Indiana General Assembly of 1945.”

Section 4.
“Any expense which may be incurred in printing and publishing the report of said commission shall be paid out of funds for state printing.”

As expressed in Sec. 1 of the Act, your commission of nine members was appointed by the governor “for the purpose of making a survey and codification of the laws of Indiana, dealing with the regulation of transportation of persons and property by steam and electric railroads, motor carriers, express companies and other transportation facilities within the State of Indiana: * * *.”

The only provision in the law for the payment of printing is Section 4 quoted above.

It is clear that there is no statutory authority for the Public Service Commission, of which you are Chairman, or of any other commission or board, to pay the printing bill, except the Board of Public Printing which has an appropriation that can be used for printing and binding. (See Biennial Appropriation Acts of 1943, Ch. 296, page 906.)

It appears that there is no question about the costs of printing what might be termed the report proper of the commission. However, the commission has considered that it was within its province and duty to submit to the Governor a draft of bills which would be transmitted to the Legislature, thus enabling it to carry out, or at least consider, the recommendations of the commission as to a revised code of laws on
transportation, and the question that has arisen is as to the expense of printing this draft of the tentative bills accompanying the report.

The preamble of the concurrent resolution is as follows:

"Whereas, There is a need for a codification and consolidation of the various laws dealing with the regulation of transportation of persons and property by steam and electric railroads, motor carriers, express companies and other transportation facilities within the State of Indiana; and

"Whereas, The passage of such laws at various times and to meet varied conditions has resulted in multiplicity, ambiguities, conflicts and deficiencies in such existing laws:"

The last paragraph of Sec. 1 reads as follows:

"It shall be the duty of the commission to prepare and submit for the next General Assembly, a report showing in detail the results of such survey, together with the separate proposed bills for acts to accomplish (1) the codification of such existing laws and (2) such new law or laws relating to transportation as the commission may find to be proper and necessary."

In Sec. 1 there is a proviso which says that the commission shall "not propose bills" seeking to modify existing laws pertaining to the safety of the public or to the employees of the transportation operators. A consideration of the preamble, and of the concurrent resolution in its entirety, leads to the conclusion that the Legislature contemplated that your commission would prepare a draft of a code, or of bills, that could be considered by the law making body. The Legislature indicated not only the scope of your work but also what "bills" you should not propose.

My opinion is that the printing of the tentative draft of bills, as well as your report and recommendations, should be paid for by the Board of Public Printing out of funds for state printing. If this should result in a deficiency in the funds appropriated, the Legislature should take note of that, and make a further appropriation to pay for the work it authorized your commission to do.