Vehicle Highway account in the general fund, after the expenditures made pursuant to that part of the Appropriation Act have been deducted.

In view of the fact that title fees and transfer fees are collectible under different statutes, such records should be kept as would (1) clearly indicate the amount collected by virtue of each respective statute and (2) indicate the collections made by virtue of the certificate of title statute, which information may furnish a ceiling for expenditures. If each of the foregoing objects can be accomplished by grouping the revenues obtained under the two statutes in a single account, there could be no legal objection to such a grouping.

LIEUTENANT GOVERNOR: Live Stock License Division: Whether the administrator of the Division has power to provide for rules and regulations governing the hearing upon the petition for license to operate a concentration point; whether these rules may vary where the concentration point applied for is in the same trading area.

October 20, 1941.

Hon. Paul S. Dunn,
Acting Director,
Live Stock License Division,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that Mr. Raymond Berry who operates a sales barn in Seymour wishes to move the location of the sales barn to Brownstown, nine miles away. It is stated he will still be in the same county and will not be any closer to any other barns. The following question is submitted:

"Should this be permissible without a new hearing for a Certificate of Public Convenience and Necessity?"

Section 42-916 of Burns' Indiana Statutes Annotated 1933 provides that:
"No buyer as defined in this act shall engage, continue or permit another in his or its employ to engage or continue, in the business of the buying of live stock within this state, until after there shall have been obtained from the administrative officer by written application, a separate certificate for each separate concentration point to be operated by such buyer, declaring that public convenience and necessity require the operation of the business of buying live stock by such person," * * *

It is provided that no certificate shall be issued except as provided in the Act and until after a public hearing.

Burns' Indiana Statutes Annotated 1933, Section 42-916.

The above statute seems to contemplate that separate certificates shall be issued for each separate concentration point; and, while under the facts as stated in your letter, it would seem that the applicant should have no difficulty in obtaining his certificate, yet in my opinion, his certificate to conduct a concentration point at Seymour would not be sufficient to authorize the conduct of such a concentration point at Brown-town.

The administrative officer is empowered by the Act to adopt rules and regulations to govern applications for certificates of convenience and necessity and the hearing thereon. He is also authorized to fix the fee for such a license within certain limitations. (See Burns' Indiana Statutes Annotated 1933, Secs. 42-914 and 42-916). It seems to me that the administrative officer would be clearly within his power to provide by rule and regulation for hearing in such cases as the one described in your letter so as not to create an unnecessary burden upon the applicant; but, until some changes are made in the law, I do not find therein any provision for the removal of a licensed concentration point to some other point without the obtaining of a new certificate to conform with the place where the buying is actually taking place.