

**HIGHWAY COMMISSION, STATE: Term "personal service"  
in 1939 Appropriations Act, held to refer to wages.**

June 12, 1940.

Hon. T. A. Dicus,  
Chairman State Highway Commission,  
State House Annex,  
Indianapolis, Indiana.

Dear Sir:

I have your letter wherein you ask whether Sec. 8 of Ch. 47, Acts of 1939, applies to that part of the appropriation for the Indiana State Highway Commission contained in the following language of the biennial appropriation act:

"Operating expense, capital outlays and fixed charges for the fiscal year beginning July 1, 1940, fourteen million two hundred thousand dollars (\$14,200,000.00).

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"Provided, further, That from funds herein appropriated expenditures made for the specific purposes of maintaining highways and detours, which includes the preservation and repair of surfaces, roadbeds, rights of way and structures, and the development of surfaces, roadbeds and roadsides and of means to facilitate and promote safety of traffic on such highways—which shall consist of: (a) wages; (b) payments for materials; and (c) payments to contractors—shall not exceed the sum of \* \* \* four million five hundred thousand dollars (\$4,500,000.00) during the fiscal year beginning July 1, 1940."

Sec. 2, Ch. 47, Acts 1939, pp. 199, 263, 264, 265.

That part of Sec. 8, *supra*, of the appropriation act which is involved in your question reads as follows:

"Not more than one-half of the appropriation for the fiscal year ending June 30, 1941, for Personal Service or Other Operating Expenses and Equipment, may be spent during the calendar year 1940."

Sec. 1 of the above cited 1939 appropriation act defines certain terms used in the act:

“The term ‘operating expense’ as used in this act shall be construed to include ‘personal service,’ ‘all other operating expenses’ and ‘material’ as hereinafter defined.

“The term ‘personal service’ wherever used in this act shall be construed to include all payments made as and for salaries and wages to any and all officers and employees of the state, whether regular or temporary.

“The term ‘all other operating expenses’ whenever used in this act shall be construed to include all payments made for fuel, food, cleaning, disinfecting, refrigeration, clothing, forage, printing, light, heat, power, water, transportation, communication, traveling, laundering, and all payments for medical, laboratory, disinfecting, educational, agricultural, vehicle, office, and other supplies.

“The term ‘equipment’ as used in this act shall be construed to include machinery, implements, tools, furniture, furnishings, live stock, vehicles and any and all other articles which have a calculable period of service.”

In determining whether specific appropriations contained in any part of the act are subject to the provision of Sec. 8 as above quoted, it is necessary first to ascertain whether such specific appropriation, or any part of it, is for purposes which come within the meaning of “personal service,” “other operating expenses” or “equipment” as defined by the General Assembly. Not over one-half of that part of the fiscal year’s appropriation for such purposes, as defined, may be spent during that part of the fiscal year which is contained in the calendar year of 1940.

The provision appropriating the sum of \$4,500,000.00 “for the specific purposes of maintaining highways and detours” indicates that such funds shall be expended for “wages,” “payments for materials,” and “payments to contractors.”

It will be noted that the term "wages" falls within the meaning of "personal service" as defined by statute, and therefore so much of said appropriation of \$4,500,000.00 as is spent for wages must be spent in accordance with the above quoted language of Sec. 8. This is likewise true of any part of said appropriation which may be spent for equipment and for any item or items coming within the definition of "other operating expenses" as above set out. However, the General Assembly did not specify what parts of said appropriation of \$4,500,000.00 should be spent for wages, materials and payments to contractors, leaving that question for the determination of the commission.

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**HIGHWAY COMMISSION, STATE: Authorized to construct roadside parks.**

**Parks, Roadside: Authority of State Highway Commission to construct.**

**Roadside Parks: Money for construction of, payable out of State Highway construction fund.**

**Funds, Highway Commission: Money for construction of roadside parks payable out of construction fund.**

June 13, 1940.

Hon. T. A. Dicus, Chairman,  
State Highway Commission of Indiana,  
State House Annex,  
Indianapolis, Indiana.

Dear Mr. Dicus:

I have your letter of June 7 in which you state:

"The State Highway Commission of Indiana proposes to construct, on right of way acquired for that purpose, along state highways near the borders of the state, buildings which will be used for the convenience of and dissemination of information to the traveling public.

"These buildings, two of which are planned for immediate erection, will contain sanitary conveniences, drinking water fountains, maps and tourists' information. Grounds will be landscaped and provided