

**CONSERVATION DEPARTMENT: Whether duplicate may
be issued for lost hunting and fishing license.**

September 23, 1933.

Kenneth M. Kunkel, Director,
Division of Fish and Game,
Department of Conservation,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of September 20, 1933, in which you ask whether or not your department is authorized to issue a duplicate for a hunting and fishing license that has been lost.

Section 21, chapter 37, Acts of 1927, provides in part as follows:

“Such *licenses* shall be issued by the clerk of the circuit court in each county in this state, by the superintendent of fisheries and game, and by agents appointed by him, shall be in the form prescribed by him, and, if issued by a clerk or agent, shall be countersigned by such clerk or agent. The superintendent of fisheries and game shall furnish all necessary blank *licenses* to said clerks and agents, and shall furnish such agents certificates showing authority to issue such licenses. * * *.” (My italics.)

Section 25, of the same act, provides:

“Each licensee mentioned above shall have his *license* on his person when engaged in the respective pursuit for which he is licensed, and shall then and there produce and exhibit *same*, upon request, to any officer authorized to enforce the fish and game laws, and *such license*, unless so carried, and unless so produced and exhibited, shall not have the effect to have authorized or permitted any licensee to engage in such pursuit. Such license shall not be assignable or transferrable. It shall be unlawful for any person to change, alter or counterfeit any such license. * * *.” (My italics.)

It would appear that the legislature intended that the licensee should have the *original license* upon his person at all times when engaged in the pursuit for which the license was issued. Nowhere is there any reference to any duplicate license; nor any authority, either express or implied, for the

issuance of the same. Neither is there any rule or regulation duly promulgated by the department of conservation covering the situation.

It is my opinion, that your department is without authority to issue duplicate licenses to replace, for all intents and purposes, original hunting and fishing licenses that have been lost or destroyed. The only remedy for such a situation, as now provided by law, is the purchase of a new license.

GOVERNOR: Legality of contract entered into with municipality without competitive bidding.

September 23, 1933.

Honorable Paul V. McNutt,
Governor of the State of Indiana,
Indianapolis, Indiana.

Dear Governor McNutt:

I have before me your request for an opinion concerning the legality of a contract executed between a corporation or an individual, and a municipality, whereby the individual or corporation undertakes to act as a construction engineer of the direct construction of a sewage disposal plant and equipment for the municipality, such contract being entered into without competitive bidding. In answer thereto, I submit the following:

The right of cities and towns to own, acquire, construct, equip, operate and maintain sewage treatment plants, and necessary appurtenances, is properly established in chapter 61, of the acts of the special session of the General Assembly of Indiana, 1932, as amended in chapter 187 of the acts of the General Assembly of Indiana, 1933.

Section 3, chapter 61, Acts of 1932, provides as follows:

"The board may employ engineers, architects, inspectors, superintendent, manager, collectors, attorneys, and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, all of whom shall do such work as the board shall direct."

Section 3, chapter 61, further provides:

"Any contract or agreement with any contractor or contractors for labor and/or material, exceeding in