ployed by the general assembly in section 1 of chapter 262, pages 1163 and 1164, Acts of 1933:

"* * * All depository interest earned under the provisions of this act, shall belong to and become a part of the 'special assessment delinquency and deficit fund' and shall not be diverted therefrom, under the terms and provisions of any law heretofore made, nor for any purpose whatsoever; Provided, That if such funds are deposited and secured as public funds are deposited and secured, then such depository interest may be diverted in the same manner and for the same uses and purposes as depository interest on public funds is diverted. * * *"

As to such funds, then, it is my opinion, that where they are deposited as other public funds and no surety or collateral is given by the depository to especially protect these funds, then the interest becomes a part of the state sinking fund in the same manner as does interest on other public funds.

MOTOR VEHICLES, BUREAU OF: Drivers' license law—
from what fund is same administered.

September 13, 1933.

Department of Treasury,
Bureau of Motor Vehicles,
Hon. Frank Finney, Commissioner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in part as follows:

"Under the Driver's License Law enacted in 1929, cost of administration was provided from receipts from the sale of driver licenses.

"The law states, 'All fees so collected shall be retained in a separate fund and shall be expended (a) to pay for all printing, postage, equipment, traveling expenses and other necessary expenditures to administer this act; (b) for all clerical assistance necessary to administer this act;' etc.
“This quotation is from section 29 of the original act which apparently is repealed in the new law set up by the 1933 session.”

You submit the following question:

“Question. From what source can we administer the Driver’s License Law in the absence of any specific appropriation?”

Acting pursuant to the authority conferred upon him by chapter 4 of the Acts of 1933, the governor, by executive order, has transferred the duties and functions of the so-called bureau of motor vehicles to the department of treasury, one of the eight new departments created by section 2 of chapter 4 of the Acts of 1933. (Acts of 1933, page 7.)

Section 19 of chapter 4, supra, provides that in the event of such a transfer “the balance of any appropriations or any appropriations hereinafter made by the 78th general assembly or funds placed or remaining to the credit of any division of the State of Indiana, the powers, duties and functions whereof are assigned and transferred to any department, for salaries, maintenance, operation, construction or other expenses in the exercise of such powers, duties and functions, shall be transferred to the credit of the department to which such assignment and transfer is made, and the same shall be available for the objects and purposes for which appropriated originally.” (Our italics.)


The executive order above referred to contains a like provision, thereby conforming with section 19, supra.

It is apparent from the above that any fund “remaining to the credit” of the so-called bureau of motor vehicles followed the so-called bureau into the department of treasury and is available to that department for the payment of the expenses of such bureau.

I am advised, however, that the fund “remaining to the credit” of such bureau, which fund was accumulated from license fees charged and collected prior to the effective date of the 1933 act, which latter act required all such fees to be paid into the general fund of the state—that such fund “re-
maining to the credit” of the bureau is not sufficient to administer the Driver's License Law as amended in 1933.

As already stated, the duties of the bureau of motor vehicles, along with the duties of other commissions, have been transferred to the department of treasury to be administered out of funds available to it. It does not necessarily follow, however, that each separate bureau or commission whose duties are thus devolved upon the department of treasury must be administered as separate units. The legislature apparently foresaw that with the transfer of duties and functions and the combining of various units, the appropriation act, which had been drafted along lines similar to previous acts applicable to the situation prior to the contemplated reorganization of the executive and administrative departments, would probably not entirely meet the situation after a reorganization of those departments; in other words, that with the reorganization of the executive including the administrative department of the state government, some adjustment of appropriations would be necessary. However that may be, the legislature did empower the department to which the duties and functions of the then existing state board of finance should at any time be transferred, “from time to time, to transfer, assign or reassign from any board, department, commission, office, or benevolent and penal institution of the state any part of the appropriation or appropriations made therefor to any other board, department, commission, office, or benevolent and penal institution of the state, and when so made the same shall be available for the use of the board, department, commission, office, or benevolent and penal institution to which the same is transferred.”


The above provision is ample, I think, to authorize the department of treasury, to which has been assigned the duties and functions of the old state board of finance, to authorize it to make the necessary transfers; or the same result may be obtained by a consolidation of units within the department.