And, since the provisions of the act are applicable to such persons, those sections providing for inspection, and for suitable equipment, etc., are also applicable, and it would be the duty of the state to see that his facilities are adapted for the purpose for which he intends to use them.

LIBRARY BUILDING COMMISSION: Authority of commission to contract for mural paintings.

November 9, 1933.

Hon. H. P. Kenney, President,
State Library Building Commission,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter submitting a request for an official opinion as to whether the commission has authority to contract for four large mural paintings for the adornment of the state library and historical building. For the purpose of the question, I am assuming that the necessary funds are available and that all procedure requisite to legal action of the commission has been or will be complied with.

Section 7 of chapter 66, of the Acts of 1929, creating the commission and prescribing its powers and duties provides as follows:

"The commission is hereby authorized to acquire or select a suitable site in the city of Indianapolis, county of Marion, and erect thereon a state library and historical building which will be suitable and adequate to house the state library and the historical bureau and to house and care for the archives and other public records of the state. The site so selected may be on land already owned by the state, or, if no such site is suitable or available, the commission may acquire a site, either by purchase, gift or condemnation, as herein-after provided. If a site on land already owned by the state is selected, the commission shall have authority, if necessary, to clear and prepare such site for the construction and erection thereon of a state library and historical building. In addition to constructing a building, the commission shall likewise install therein any and all equipment, appurtenances and paraphernalia
which may be necessary to constitute a fully equipped and modern state library and historical building. If found necessary, the commission shall likewise improve, landscape, embellish and beautify such grounds, and lay out and install such walks, drives, fences and other necessary appurtenances as may be deemed essential to produce an integrated and artistic setting. Except as herein otherwise provided, the location and area of the lands acquired, and the character of the buildings, structures, embellishments, ornamentation, equipment and other appurtenances therein or thereon shall be determined by the commission.” (Our italics.)


The language above used, is rather broad and I think it is sufficient to authorize the commission to provide such ornamentation of the building as may be determined by them within the limits of its appropriation.

You also state that under the law there are nine members on the commission and that the minutes of the commission relative to the awarding of the contracts for such murals, show that only three affirmative votes and one negative vote, were cast. In view of the fact that section 6 of the act of 1929, supra, provides that a majority of the commission shall constitute a quorum for the transaction of all kinds of business of the commission, you inquire whether the above action is legal. Without a quorum present, I do not think the action would be legal. If there was a quorum present, however, I think action supported by a majority vote of that quorum would be sufficient.

CONSERVATION DEPARTMENT: Hunting—whether use of mechanical “ferrets” unlawful.

November 9, 1933.

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

Dear Sir:

I have before me your letter of November 8, 1933, which reads in part as follows: