

**GOVERNOR'S OFFICE: Wolf Lake Park, authority of board  
to acquire property for.**

December 29, 1937.

Hon. Dick Heller,  
Executive Secretary,  
Governor's Office,  
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of December 28 with reference to the purchase of lands for state park purposes as provided by chapter 287 of the Acts of the Indiana General Assembly of 1937.

You submit the following questions:

“Question No. 1—Can the board of public works and the duly appointed state senator and state representative proceed at this time to select a site?

“Question No. 2—Since the law provides a certain amount of money annually for a period of seven years, can the board enter into a contract with the owners of said land to purchase a certain tract and make payments on it annually?

“Question No. 3—Can the board buy a certain amount of the land and option the rest as long as it stays within the estimated amount of money available?”

In reply to these questions your attention is directed to an opinion of this office under date of September 2, 1937, the last two paragraphs of which read as follows:

“It is my opinion, therefore, that since the Act operates as a valid appropriation of public funds for the purposes mentioned the board of the department of public works, together with the two additional members appointed by the Governor, have authority to enter into such contracts and agreements as are necessary to carry out the purpose of the Act. Since this money is not available, however, until July 1, 1938, payment of the contractual obligations cannot be made until that time and then only to the amount of money on hand within the particular fund and available for such pur-

pose. You should further bear in mind that contracts in excess of the appropriation are absolutely void.

Williams v. City of Michigan City, 100 Ind. App. 136.

“Subject to these limitations, it is my opinion that the board, as set up in the Act above quoted, has authority to now proceed in the discharge of their duties.”

On the basis of the language above quoted, your first question is answered in the affirmative.

For the same reason, your second question is answered in the affirmative so long as the annual payments do not exceed the revenues raised by taxation and available for this particular purpose.

Your third question is also answered in the affirmative so long as the board keeps in mind their duty to stay within the total amount appropriated for this purpose and so long as the expenditures do not exceed the sums actually on hand and available for this program.

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**HIGHWAY COMMISSION, STATE: Authority to contract for printing and distribution of maps.**

December 31, 1937.

Hon. Earl Crawford,  
Chairman, State Highway Commission,  
State House Annex,  
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of December 21 in which you submit the following question:

“In advertising for bids for the printing of the state highway map, would it be legal to give the bidder the option of submitting bid on the basis of his paying the cost of the map as printed under the state printing contract, his printed matter being subject to approval of the State Highway Commission?”