

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.

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?”

In reply to this inquiry, your attention is directed to section 14, chapter 276 of the Acts of the Indiana General Assembly of 1937, which reads in part as follows:

“The State Highway Commission is authorized from time to time (to) prepare, print and distribute maps of the state highway system, with such other data as said commission may deem advisable. Said commission if it deems it advisable, instead of publishing such map at the expense of the state, is authorized to contract with one or more persons or corporations for the printing and free distribution of such map.”

It will be noted from the reading of the above statute that the State Highway Commission is authorized to prepare, print and distribute maps of the state highway system. This may be done under the authority and jurisdiction of the State Printing Board as provided by section 63-1602, Burns Indiana Statutes, 1933 Revision, or it may be done by independent contractors who agree to both print and distribute these maps.

Since the State Highway Commission is given this wide discretion in the matter of printing and distribution of these maps, it is my opinion that the State Highway Commission has authority to contract for this service and stipulate that the printing shall be done under the jurisdiction of the State Printing Board and that the distribution shall be handled in any manner which the State Highway Commission may require. In other words, if the State Highway Commission desires certain advertising matter printed upon the maps in order to expedite their distribution, I think they would have authority to request such service at the hands of the State Printing Board.

Since this is true, I feel that the highway commission would also be authorized to give the bidder the option of paying the cost of printing by a printer of his own selection or accepting the rate and services offered by the state printing contract.