AUDITOR OF STATE: Governor's Commission on Unemployment Relief—Authority to appropriate funds to Welfare Department.

October 7, 1938.

Hon. Laurence F. Sullivan,
Auditor of State,
State House,
Indianapolis, Indiana.

Dear Mr. Sullivan:

This will acknowledge receipt of your letter of October 6 containing a copy of the resolution of the Governor's Commission on Unemployment Relief asking for a transfer of funds from the appropriation made by the Acts of the Indiana General Assembly of 1933, to the Department of Public Welfare of the State of Indiana.

Without setting out a copy of the resolution it appears that the Governor's Commission on Unemployment Relief finds it is necessary in order to furnish financial and other relief to the needy and distressed people having legal settlement in this state and to relieve the hardships resulting from unemployment in this state, to maintain a state certifying agency to determine relief needs, as one of the requirements in allocating funds to the state from the Works Progress Administration and other similar programs. The question resolves itself, therefore, as to whether or not the Governor's Commission on Unemployment Relief may expend the $150,000.00 for such purposes.

Your attention is directed to chapter 136 of the Acts of the Indiana General Assembly of 1933 and particularly to section 4 thereof, which reads as follows:

"Sec. 4. For the purpose of furnishing financial and other relief to the needy and distressed people having a legal settlement in this state, and for the purpose of relieving the hardships resulting from unemployment in this state, there is hereby appropriated out of any money in the general fund in the state treasury, to be expended by the governor's commission on unemployment relief, subject to the approval of the governor, the sum of one million dollars (§1,000,000.00) or so much thereof as may be necessary in the discretion of the governor. The above amount to be available after the
15th day of March, 1933. A like sum, or so much thereof as may be necessary in the discretion of the governor, is hereby appropriated for said purpose out of the general fund in the state treasury for the fiscal year beginning July 1, 1933. The appropriations made hereby shall have precedence over any other appropriation or appropriations made out of the general fund by the seventy-seventh general assembly, and the seventy-eighth session of the general assembly, of the State of Indiana. The appropriations made hereby shall continue to be available until expended and no part of the same shall revert to the general fund until the purposes herein set out have been accomplished; Provided, however, That none of the appropriation made hereby shall be expended except upon the finding and determination of the commission on unemployment relief that an emergency exists for such expenditure."

It will be noted that the appropriation of $1,000,000.00 is a continuing appropriation and is "for the purpose of relieving the hardships resulting from unemployment in this state." When the Governor's Commission on Unemployment Relief accordingly finds that an emergency exists for such expenditure and such expenditure is for the purpose of relieving the hardships resulting from unemployment and when such expenditure has received the approval of the governor, then the auditor of state may issue a warrant in accordance with such order.

It is apparent from the resolution submitted that the distribution of federal surplus commodities to the needy persons of the State of Indiana and the certification of needy persons for employment on the Works Progress Administration projects, the Civilian Conservation and the National Youth Administration programs, is essential to the administration of the relief program.

The Governor's Commission on Unemployment Relief has also found that an emergency exists for the expenditure of funds to carry on this program and this resolution, and the finding, has been approved by the governor.

It is my opinion, therefore, that the Governor's Commission on Unemployment Relief has authority to authorize the expenditure of this money for the purposes indicated in the resolution.
Since the Department of Public Welfare of the State of Indiana is willing to perform this service, it is my opinion that the Governor's Commission on Unemployment Relief may grant the amount set forth in the resolution to such department for such purpose.

PURCHASING DEPARTMENT: Competitive bidding—Necessity of competitive bidding in purchases made.

October 14, 1938.

Hon. L. L. Needler,
State Purchasing Agent,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that purchases of coal, groceries and some other commodities are being made on a quarterly basis upon requisition received from the various institutions and departments. You state further that other items, such as drugs and meats, are purchased monthly; that a few items are purchased annually, but that a great variety of items are purchased immediately upon requisition from the institutions and departments.

It is my further understanding from your letter that the purchases which are made immediately upon requisition from the institutions include such items as office supplies, equipment, such as boilers, stokers, laundry equipment, plumbing supplies, hardware and automobiles.

You request an official opinion in answer to the following questions:

1. On what basis, if any, is the Central Purchasing Bureau required to give public notice to bidders.

2. If public notice is required, what should be the form and character of such notice.

3. If public notice is required, should the notice be given in the county in which the Central Purchasing Bureau is located, or should the notice or notices be given in the county in which is located the institution or department for which the purchase is made.

The authority of the state purchasing agent is contained in