

1969 O. A. G.

OFFICIAL OPINION NO. 11

June 10, 1969

Mr. Thurman M. DeMoss, Chairman  
Gettysburg Memorial Commission  
49 West Madison Street  
Franklin, Indiana 46131

Dear Mr. DeMoss:

This will acknowledge receipt of your letter requesting the Opinion of the Attorney General on the following questions:

1. "In acquiring the site, and spending money for a monument, is the Gettysburg Memorial Commission bound by Acts of 1947, Ch. 306, Sec. 1, as amended?"
2. "If the Commission is not bound by the foregoing Act, is it subject to the provisions of the Acts of 1945, Ch. 99, Sec. 1, as amended?"

The answer to question one is affirmative: the Commission is bound by Acts of 1947, Ch. 306, Sec. 1, as amended, and as found in Burns' (1968 Supp.), Section 53-108, which states, in part:

"When any public building or any other public work or improvement of any character whatsoever is to be constructed, erected, altered or repaired at the expense of the state \* \* \* or commission created by law \* \* \* and when the costs of such work or improvement will be two thousand dollars (\$2,000) or more, it shall be the duty of the board, commission, trustee, officer or agent acting on behalf of the state \* \* \* to adopt plans and specifications and award a contract for such public work or improvement to the lowest and best bidder who submits a bid for the performance thereof \* \* \*"  
(Emphasis added)

In my opinion, the purchasing of a monument by the Gettysburg Memorial Commission and having it placed on a site constitute the erection of "any other public work or improvement of any character whatsoever \* \* \* at the expense of the state." The language of the statute is broad enough to

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embrace within its purview the purchase and erection of a monument by the Commission of an Indiana State Memorial in the Gettysburg National Military Park, Gettysburg, Pennsylvania, and the Commission is subject to the provisions of the Act.

Since the answer to your first question is in the affirmative, the second question does not apply.