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governmental units but cannot authorize alternative methods for completing the forms.

The purpose of statutory construction is to ascertain and give effect to the legislative intent. *State ex rel. Roberts v. Graham*, 231 Ind. 680, 686, 110 N.E. 2d 855, 858 (1953). The obvious intent of Acts 1953, ch. 155, is to guard against improper expenditure of public money by requiring an itemized record of such expenditures, and by further requiring the recipients of such expenditures to certify that the debt is just and proper. Permitting the attachment of a properly itemized and certified voucher to the front side of the claim form in lieu of manual completion of the front side of the claim form is consistent with the purpose of the Act, and, in my opinion, is well within the authority of the State Board of Accounts.

OFFICIAL OPINION NO. 14

April 19, 1968

**APPELLATE COURTS—Facilities—Requirement of
Location in State House.**

Opinion Requested by Hon. Rodney E. Piper, State Senator,
and Hon. Wayne Hughes, State Representative.

Your request for an Official Opinion asks whether it would be constitutional to move the Supreme and Appellate Courts and other constitutionally designated offices from the State House to new facilities in Indianapolis.

The Constitution of the State of Indiana does not require that any specific office of the Legislative, Executive, or Judicial branch of state government be located in the "State

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House." The present Indiana Constitution was adopted in 1851, and the construction of the State House was not completed until 1888.

With reference to the Legislature, the INDIANA CONSTITUTION, art. 4, § 9 requires as follows:

"The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January in the year one thousand eight hundred and fifty three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time by proclamation, call a special session."

The term *capital* means "a city serving as a seat of government," as contrasted with the *capitol*, which has been defined as "a building in which a state legislative body meets." (Webster's Seventh New Collegiate Dictionary, page 124). Therefore, the Legislature is not required to meet in the State House but could meet any place in the capital city of Indianapolis, or even outside of Indianapolis, as suggested by art. 4, § 9 quoted above, which mentions that a different day or place may be appointed by law.

Concerning state officers, the INDIANA CONSTITUTION, art. 6, § 5 commands that:

"The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of Government."

As shown by the above-quoted dictionary definition, the term "seat of government" refers to the capital city. Also, this has been the definition given to the term by judicial decisions. *State ex rel. Lemon v. Langlie*, 45 Wash. 2d 82, 273 P. 2d 464 (1954).

In its provisions relating to the Judicial branch, the Indiana Constitution does not specify the location of the Supreme

Court of Indiana. The Appellate Court is not mentioned in the Constitution since it was created in 1891 by the Acts of 1891, ch. 37, § 1, as found in Burns IND. STAT. ANN. § 4-201.

Therefore, the Constitution of the State of Indiana does not create any barrier to the relocation in new facilities in the capital city of Indianapolis of any office or facilities of the Legislative, Executive, or Judicial branches of state government of Indiana, which are now located in the State House.

There are, however, some *statutory* provisions which designate the location of certain offices within the "State House."

In the Judicial branch, only the reporter of the Supreme Court has been located in the State House Acts 1891, ch. 170, § 3, as found in Burns § 49-2004, which provides in part as follows:

"The Reporter of the Supreme Court shall be provided with a suitable office, properly lighted and heated and supplied with furniture and stationery in the State House at Indianapolis. . . ."

Statutes referring to the clerk of the Supreme Court, 2 R. S. 1852, ch. 2, § 2, as found in Burns § 49-2102, only require that:

"Such clerk shall reside, and keep his office open, in a building provided for that purpose by the State, at the seat of Government. . . ."

The Appellate Court is located by Acts 1891, ch. 37, § 11, as found in Burns § 4-231, as follows:

"The Custodian of Public Buildings and Property shall provide rooms for the use of said Judges and said Court in Indianapolis. . . ."

In the Executive branch, the assignment of rooms in the State House is governed by Acts 1913, ch. 269, § 1, as found in Burns § 49-2412, which reads as follows:

"That the governor and secretary of state and the auditor of state are hereby authorized, empowered and directed to re-assign among the various state officers,

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boards and commissions from time to time as the necessity of the public service may require, such rooms and parts of rooms and accommodations in the capitol building as may be determined by said governor, secretary of state and auditor of state, and to enforce necessary rearrangements and removals in accordance with their orders. In reassigning the rooms in the state house said officers who by this act are empowered to make a distribution of such rooms, shall assign and set off to the governor of Indiana for his use rooms number four (4) , five (5), six (6), and seven (7) and to the lieutenant governor of Indiana for his use rooms numbered eighty-two (82) and eighty-three (83) ; and the assignment of rooms so made to the governor and lieutenant-governor shall not be interefered with by any person, officer or board.”

Section 2 of that Act, Burns, *supra*, § 49-2413, permits the leasing or renting of any building or rooms, as follows:

“The governor, the secretary of state and the auditor of state are hereby empowered and authorized to lease or rent any building or rooms necessary for the use of any state officers, boards or commissions, when the same cannot be accommodated in the capitol building, and the rentals for said buildings or rooms so rented shall be paid out of any money in the state treasury not otherwise appropriated.”

From the above, it is my opinion that the Constitution of the State of Indiana would not prevent the relocation in new facilities in Indianapolis of any office or facility of the Legislative, Executive or Judicial branches of the Indiana state government which may at present be located in the State House. While there are statutory provisions designating the location of certain offices in the State House, those statutes could be easily amended. At present, there is statutory authorization for the renting or leasing of additional rooms or buildings for the use of state officers, boards or commissions when the same cannot be accommodated in the capitol building.