even though the problem concerns interstate trains, nonetheless, their regulation is for the state, as regards the discontinuation of their service rendered by such trains in the particular state.

Obviously, the Public Service Commission is not to be given a carte blanche in this area of regulation, but as pointed out above, its jurisdiction is confined to those areas where its regulations will not unduly interfere with or burden interstate commerce. "Whether a state in a particular matter goes too far must be left to be determined when the precise question arises." Southern Pacific Co. v. Arizona ex rel. Sullivan (1945), 325 U. S. 761, 781, 65 S. Ct. 1515, 89 L. Ed. 1915.

It is my opinion therefore, that the Public Service Commission of Indiana does have jurisdiction over wholly interstate trains and is vested with the authority to allow or disallow the discontinuance of service of such trains at a point or place in Indiana.

OFFICIAL OPINION NO. 14

February 19, 1958

Mr. T. M. Hindman
State Examiner
State Board of Accounts
304 State House
Indianapolis, Indiana

Dear Mr. Hindman:

This will acknowledge receipt of your letter of December 20, 1957, in which you request an Official Opinion upon the following question:

"Would the subscription to service proposed by the Indiana County and Township Officials Association be a proper expenditure by counties of public funds?"

With the letter requesting this Opinion, you have enclosed a letter and Brief prepared by an Indianapolis attorney setting forth the general plan of services proposed by the association together with a rough estimate of its 1958 budget.
The Brief is entitled "Proposed Local Government Service Department of the Indiana County and Township Officials Association," and reads in part as follows:

"A. FUNCTIONS OF THE DEPARTMENT.

"The Local Government Service Department will provide services to all of the counties and townships with officers belonging to the association. All of the services of the department are made available for a single subscription price charged to either the County or Township. The subscription price covers the availability of service to a particular officeholder.


"A manual will be prepared for each county and township officer. The manual will outline the procedures for the operation of the office held by the governmental officials. It will contain all of the statutes, attorney's general opinions, rules and regulations of state government and federal government departments which concern an officeholder, and a statement of the accepted practices in operating the particular office throughout the State of Indiana. This manual will be loose leaf, and amendments will be made to the manual as changes in either law or the practice in the state require amendments.

"2. Training School.

"Between November and December 31 of an election year, a training school of at least four days duration will be held for all officeholders who will receive the services of the department. It is the purpose of the training program to explain the manual and its use to the new officeholders. Further, the training school will provide the information necessary to permit the newly elected official to carry out his duties efficiently upon taking office the first of the year. The training program provides for the payment of the room and board of the public official while attending the training school. It is not contemplated that the travel and expenses of the official will be paid.

"3. Annual Training."
"Each year in December, a two-day training program will be provided each officeholder receiving the services of the department. This annual training program is designed to bring 'up-to-date' the training of public officials. Public officials will be permitted to forward questions they desire to discuss at this annual conference. Amendments which have been made during the previous year to the manual will be discussed and explained. The service will provide the board and room for two days for each public official receiving the service.


"The department will provide each county and township with consulting service. Should a question arise in a county and township requiring the services of a consultant, if the executive board of the association finds that the problem concerns all counties or townships, the cost of the consultant will be met by the association. In the event the problem is peculiar to a particular county or township, the cost of the service will be defrayed by the county or township receiving assistance. In all cases, the expenses of the consultant visiting a county or township will be paid by the county or township."

The services set forth in the Brief fall within three classifications which are training, counseling, and publishing. These first two classifications are very similar in nature, as counseling is in reality nothing more than a method of training.

The Legislature, in past years, has seen the desirability and the need for training and counseling of public officials and has made specific provisions therefor by public act. One of these is Acts of 1943, Ch. 116, Sec. 1, as amended, as found in Burns' (1951 Repl.), Section 60-240a. The provisions of this act are very broad in scope and concern the duties and powers of the State Board of Accounts to call conferences of county and township officials. The section reads in part as follows:

"The state board of accounts shall annually call a conference of county auditors, treasurers, clerks of the circuit courts and auditors, treasurers and clerks of
the circuit courts elect of the state to be held at such
time and place as shall be fixed by the state examiner,
and to continue for not longer than three [3] days in
any one [1] year, for the purpose of instructions in
the proper use of forms prescribed by the state board
of accounts, the keeping of the records of the respective
offices and for any other purpose which, in the judg-
ment of the state examiner, would result in the better
conduct of the public business. That conferences to
include other county, city or township officers may be
called whenever in the judgment of the state examiner
such meetings are necessary. That in addition to the
annual conference for county auditors, treasurers,
clerks of the circuit courts, and auditors, treasurers,
and clerks of the circuit court elect, either of the entire
state or by districts, such other conferences may be
called whenever in the judgment of the state examiner
such meetings are necessary.” (Our emphasis)

A subsequent paragraph of that section provides for the
payment of mileage and per diem for such conferences.

A specific training school for sheriffs is held annually, as
authorized by Acts of 1949, Ch. 234, Sec. 1, as found in Burns’
(1951 Repl.), Section 49-2809. This section reads as follows:

“The county sheriff of each county, after his election
and before assuming the duties of his office, may be
required to attend the sessions of any training school
that offers courses of instruction for sheriffs at such
time which is established by Purdue University and/or
Indiana University or the Indiana state police depart-
ment which will teach methods of crime detection in
conjunction with the state board of accounts teaching
office routine and accounting. Expenses of said sheriff,
including the actual expense of transportation to and
from either school, together with the expense of lodging
and tuition, if any, shall be paid from the general fund
of the county for which he was elected sheriff. Upon
presentation of the proper receipts for the expenses
incurred by such sheriff in attending said school and
upon the approval thereof by the county board of com-
misioners, the county auditor shall issue his warrant
therefor: Provided, however, That such expense shall not exceed six dollars [$6.00] per day, plus mileage at $.06 per mile traveled to and from such place where said training school is held, and tuition if any is charged by said school.”

Acts of 1925, Ch. 135, Sec. 1 as found in Burns’ (1951 Repl.), Section 49-3323, requires that the county surveyor or county engineer of every county attend the Purdue Road School, and reads as follows:

“The county surveyor, or the county engineer, of every county shall be required to attend all sessions of the annual road school, during each and every year of his incumbency. Said term at the annual road school shall be for a period of not less than one [1] week, and the expense of the county surveyor, or county engineer, including the actual expenses of transportation to and from said school, together with the expense of lodging and tuition, if any there be, shall be paid from the general fund of the counties. Upon the presentation of the proper receipts for the expenses incurred by such county surveyor or county engineer in attending such annual road school, as hereinbefore provided, and the approval thereof by the board of commissioners, the county auditor shall issue his warrant therefor.”

From the foregoing authority it can be seen that specific provision has been made by the Legislature having in mind just such a training and counseling service as proposed by the Indiana County and Township Officials’ Association, and that an expenditure by counties and townships for additional services of the same nature would be duplicative. It is therefore my opinion that an expenditure of county and township funds to this association would not be proper in the absence of specific authority from the Legislature.

The other proposed service of the association would constitute the printing of a series of books, as set forth in paragraph one of the Brief submitted.

The question here presented is whether or not a county or township may expend funds for the purchase of these proposed books.
Although both county and townships have been granted the power to acquire supplies, that power is specific and is limited by statute. With respect to counties, Acts of 1899, Ch. 154, Sec. 36, as amended, as found in Burns’ (1948 Repl.), Section 26-536, concerns materials and supplies. It reads in part as follows:

“The board of county commissioners shall have the exclusive power to purchase materials and supplies of any and every sort which are to be paid for out of the county treasury. Such supplies and materials shall be purchased only upon the written requisition of the officer, employee or department for whom or for whose work such supplies or materials are deemed necessary. The form of such requisition shall be prescribed by the state board of accounts and distributed by the board of county commissioners for the use of the various county officials, employees and departments entitled to make such requisitions. All materials and supplies shall be described with reasonable particularity as to kind, quantity and quality, the purpose for which they are needed and the office or place where they are to be used, and the quantity required for the ensuing year shall be estimated.”

With respect to townships, the Legislature restricted the powers to make purchases, and Acts of 1925, Ch. 90, Sec. 1, as found in Burns’ (1951 Repl.), Section 65-111, provides:

“It shall be unlawful for any township trustee to make any purchase for the township, except on a written order in which he shall certify that sufficient funds have been appropriated to pay for the full purchase-price of the goods, articles and things so purchased, and said trustee shall issue a township warrant-check and pay for said goods, articles and things so purchased upon receipt of same or not later than upon receipt of the next succeeding semi-annual distribution from the county treasurer.”

Based on the foregoing authority, it is therefore my opinion that:

(1) In the absence of specific authority from the Legislature the subscription by counties or townships to services
proposed by the Indiana County and Township Officials' Association, would be an improper expenditure of public funds.

(2) It would not be improper for counties or townships to purchase books or manuals prepared, printed and published by the association if the statutory requirements relating to county and township supplies are followed and complied with.

OFFICIAL OPINION NO. 15
February 21, 1958

Mr. Norval L. Martin
Executive Secretary
Indiana State Teachers' Retirement Fund
145 W. Washington Street
Indianapolis, Indiana

Dear Mr. Martin:

Your letter, requesting an Official Opinion, has been received and reads as follows:

"Mrs. Virginia Whitson Bills, a member of the Indiana State Teachers' Retirement Fund, died on July 31, 1957. On September 23, 1957, the surviving husband of Mrs. Bills filed application for the spouse option benefit from Mrs. Bills' Retirement account in lieu of the cash settlement.

"Mr. Bills died on October 7, 1957. Death occurred before his application for the spouse option benefit had been processed and presented to our board of trustees. It is established procedure in our office to present all claims to the board of trustees before making settlement.

"Following is copy of a letter which this office received from Duge Butler, Jr., Attorney for the administrator for the estate of Mr. Bills:

"On July 31, 1957 Mrs. Virginia Whitson Bills, a teacher and a member of your Retirement Fund, died intestate in Marion County, Indiana. She left as her designated beneficiary