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2. The graded examination papers of an applicant, are open to the applicant or his authorized representative together with other papers and items used in determining his final earned ratings except statements of former employers. Otherwise they are confidential.

3. Personnel folders and records maintained pursuant to Section 31, *supra*, are available to the governor, the general assembly, the budget director, department and institution executives, and "other persons having a proper interest."

4. Applications for examination are confidential with the exceptions herein noted.

5. Employment lists are confidential except as herein noted and as otherwise provided in the personnel act.

As to those records which are open to public inspection, the person requesting to examine the same need not give any reason for the request. Where the law provides a certain person or official shall have access to certain records he is entitled to examine the same without giving a reason. Where a record is only open to a "person having a proper interest" you may require the showing of a proper interest and idle curiosity alone would not be a proper interest.

OFFICIAL OPINION NO. 21

April 16, 1953.

John M. McConnell,
Lt. Col., Arty., Ind. N. G.,
Asst. Adjutant General,
The Adjutant General's Office,
212 State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of March 31st, which is as follows:

"An opinion is requested as to the legality of the sale of 146.5165 acres of land from Stout Field, Indianapolis, Indiana, by the State Armory Board under the provisions of Burns' Indiana Statutes 45-312 to 315.

“Said land was purchased from appropriated fund by virtue of Chapter 155, Acts of 1947 (H. B. 280), for the purpose of extending a runway on that field.

“It has been determined that Stout Field is unsatisfactory for ‘jet’ operations even with the proposed runway extension. Therefore, it has been necessary to establish the Air National Guard Units at another airport. In so doing, it will be necessary for the State to provide certain new facilities which the State Armory Board has decided to purchase from the funds derived from the sale of the real estate mentioned above.

“In addition to the question outlined in the first paragraph, the State Armory Board desires to know whether or not a commission can be paid to an individual for the negotiation of such sale.”

Sections 10, 11 and 12 of Chapter 135 of the Acts of 1945, the same being Burns’ Indiana Statutes Annotated, Sections 45-312 through 314, set out the procedure to be followed in the sale of any real estate by the State Armory Board. The following steps must be complied with:

1. Real estate may be sold when in the judgment of the State Armory Board it can no longer be used for the purpose for which it was acquired.
2. The sale may be made by a public or private sale after due publication for the highest price to be obtained.
3. The value of the property is to be determined by three disinterested appraisers to be appointed by the Governor, and the property shall not be sold for less than the appraised value.
4. The sale must be approved by the Governor, and the Attorney General shall state in writing that all of the conditions necessary for a legal and valid sale have been fully complied with.
5. The purchaser pays the Treasurer of State the purchase price and presents the receipt therefor to the Auditor of State, accompanied by a request in the form

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of a certified resolution approved by the Armory Board setting forth the terms and conditions of said sale. The Auditor of State executes a deed of conveyance which shall be signed by the Governor and officially attested to by the Auditor of the State with the seal of the State of Indiana.

It is axiomatic that statutes relating to the authority of public officers concerning the state's land must be strictly construed. *Tolleston Club v. Lindgren* (1906), 39 Ind. App. 448, 77 N. E. 818. Members of the State Armory Board may only exercise the powers specifically delegated to them and those expressly or impliedly necessary to carry out the same. Judge Olds in the case of *Julian et al. v. The State* (1889), 122 Ind. 68, 23 N. E. 690, at p. 72 said:

"It is a well settled doctrine that officers of the state exercise but delegated power * * *. It is also well settled that all who deal with officers exercising statutory powers, and whose authority is limited by statute, are charged with notice of the scope of such officers' authority."

In the case of *State v. Portsmouth Savings Bank* (1886), 106 Ind. 435, 7 N. E. 379 the question of the authority of the state officers to dispose of state land was before the court and it is said at page 451 of the opinion:

"* * * Public officers have no authority to dispose of the state's lands except such as is conferred upon them by positive statute. Any sales of such lands by them without statutory authority are void as against the state, unless they are in some proper way ratified by the state."

In 1884 the Supreme Court of Indiana had before it the question of the power of the State Auditor to contract in reference to lands of the state in the case of *McCaslin et al. v. The State ex rel. Auditor of the State* (1884), 99 Ind. 428, and at page 440 of the opinion said:

"A state officer can only deal or contract in relation to the property of the state, when he is authorized so to do by the express provision of law; and any agree-

ment he may make, or attempt to make, in relation to such property, when he is not so authorized, is void as against the state. * * *

Burns', Section 45-312, *supra*, provides:

"The State Armory Board is hereby authorized to sell, convey or otherwise dispose of any real property belonging to the State of Indiana * * *."

It is my opinion, taking into consideration the excerpts of various cases dealing with this question as set out above, that the State Armory Board has no authority to pay a commission to an individual for the negotiation of the sale of land from Stout Field.

OFFICIAL OPINION NO. 22

April 20, 1953.

John A. Cartwright, Director
Division of Public Works and Supply,
404 State House,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

"The Division of Labor of the State of Indiana is charging State Institutions a fee for inspection of elevators, under an Act enacted in 1951 (see Burns' Indiana Statutes, 1950 Replacement, Volume 5, Section 20-1201 to and including 20-1217). Therefore, will you please render an official opinion as to whether or not one State agency can charge another State agency for said inspection fee."

Section 11, Chapter 232 of the Acts of 1951, same being Burns' Indiana Statutes 1951 Pocket Supplement, Section 20-1211 provides in part as follows:

"For each inspection and report made at the direction of the division or its authorized representative re-