

tants who participate in the additional funds. This may be done by one of two systems: (1) the full amount of the check could be paid from the Teachers' Retirement Fund and that Fund reimbursed by voucher upon the Auditor of State monthly for the amounts chargeable to the \$300,000.00 fund, or (2) the Executive Secretary of the Indiana State Teachers' Retirement Fund could obtain special disbursing authority from the Auditor for the expenditure of the entire Fund as required.

Either one of those methods, however, will require an accurate record of the amounts used from the additional appropriation in order to determine whether any portion thereof should revert to the General Fund.

The provisions for appointment of special disbursing officers are found in Section 22 of Chapter 279 of the Acts of 1947.

OFFICIAL OPINION NO. 67

November 13, 1947.

Colonel Ben Herr,
Assistant Adjutant General,
212 State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter of November 10, 1947, which is as follows:

"Your opinion is respectfully requested on whether it would be permissible for the Governor to pay out of his Military Contingent Fund a bonus of \$2.00 to members of the Indiana National Guard for each new enlistment secured through their individual efforts."

I call your attention to the rather lengthy opinion of the Attorney General dated September 25, 1944, which contains a full discussion of the use of military funds.

In 1915 the question was submitted to the then Attorney General relative to the right to use military funds to purchase a moving picture film to be used in giving publicity

to the Indiana National Guard to stimulate enlistments. In answer to this question it was said:

“* * * It is my opinion that where the matter to be determined is discretionary with the governor, and his judgment is that certain action proposed is for the proper organization of the militia, or the promotion of its discipline, instruction or military efficiency, then that, no matter what the subject matter of such determination, the judgment of the governor is sufficient to preclude interference or objection by other persons. The responsibility and the authority are his. If his judgment says that any measure will effect proper organization, discipline, instruction or efficiency, then the expenditure of money from the military fund made necessary by the expense entailed in effecting such proper organization, discipline or military efficiency, is properly charged against the military fund. However, before the expenditure can be made, the Governor must first determine that the purchase and use of a moving picture film for the purpose of advertising and giving publicity to the Indiana National Guard, will either aid in the proper organization of the militia or promote its discipline, instruction or military efficiency. When he determines these matters one way or the other, my judgment is that his judgment cannot be questioned.”

I also call attention to the numerous other opinions of the Attorney General and other authorities referred to in the above mentioned 1944 opinion.

In answer to your question it is my opinion that if the Governor determines that the payment of a \$2.00 premium or bonus to members of the Indiana National Guard for each new enlistment secured through their individual efforts will aid or stimulate the proper organization of the military, he may authorize such payments.