

## OFFICIAL OPINION NO. 18

February 25, 1946.

Col. Austin R. Killian, Commissioner,  
Division of Public Safety,  
State Police Department,  
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of February 13th, requesting my official opinion upon the following question:

"1. Are employees of the Division of Public Safety of the State Police Department of the State of Indiana eligible to participate in the pension program of the Indiana State Police?"

Section 1 of Chapter 54, page 294, of the Acts of 1937 (Sec. 47-835, Burns' 1940 Replacement) defines "department" and "eligible employees" as follows:

"(a) The term 'department' means the department of state police.

"(b) The term 'eligible employee' means any regular employee of the department.

"(c) The term 'employee beneficiary' means any eligible employee who has completed an application to become an employee beneficiary and made, or caused to be made, the proper deductions from his wages as required in the pension trust agreement."

Section 1, Chapter 355, page 1713, Acts of 1945, (Sec. 47-1044, Burns' 1945 Supplement) is as follows:

"There is hereby created in the state police department a division of public safety. Such division shall be under the charge and supervision of a commissioner of public safety, who shall be the superintendent of state police by virtue of his office as such superintendent."

I also find in Section 23, Chapter 344, page 1622, Acts of 1945 (Sec. 47-868, Burns' 1945 Supplement) that the appro-

priation for the division of public safety was transferred to the state police department and that Section 42, Chapter 175, page 512, of the Acts of 1943 (Sec. 47-1081, Burns' 1945 Supplement) provides for the inclusion of the cost of retirement contributions in the expense computation of the division of public safety.

It would appear abundantly clear, therefore, that the division of public safety is in and a part of the state police department and that by including the cost of retirement benefits in the computation of the expense of the division of public safety the legislature indicated at the time (1943) its intent that the employees of the division would be members of the state police retirement or pension fund, as that was the only fund at that time which would be possibly applicable to the employees of that division. The division of public safety, being a part of the state police department, its employees would fall within the definition of eligible employees and employee beneficiaries as these terms are defined in the state police pension act which is first above quoted.

I am, therefore, of the opinion that the employees of the division of public safety of the state police department of the state of Indiana are eligible to participate in the pension program of the Indiana State Police.

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OFFICIAL OPINION NO. 19

February 27, 1946.

Hon. Clarence E. Ruston,  
State Examiner,  
State Board of Accounts,  
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your letter of February 21st, in which you ask my official opinion on the following question:

“How are the expenses of the county registration officer or registration board to be incurred and paid and who allows the claims for such expenses?”