that the above statute exempts such funds, and, after the
death of the teacher, the remaining balance is not assets of
the estate of the teacher for any purpose and forms no part
of the estate of the deceased teacher.

In the case of the beneficiary, no vested right arises unless
the beneficiary makes an "application" for the remaining
funds within three years after the death of the teacher. Prior
to such application having been made, it is my opinion that the
amount due to such beneficiary is a contingent estate which
is not subject to levy or execution of any kind. After such
application has been made, it is my opinion that the right to
said fund is vested, and the creditors of such beneficiary may,
by appropriate legal process and proceeding, cause said fund
to be levied upon to the same extent that other similar credits
and choses of action due to a debtor may be levied upon
under the Indiana Statutes.

WELFARE INVESTIGATION COMMISSION: Power of com-
misson to appoint investigators.

December 17, 1943.

Hon. Earl B. Teckemeyer, Chairman,
Welfare Investigation Commission,
130 North Delaware Street,
Indianapolis, Indiana.

Dear Mr. Teckemeyer:

I have your letter of December 3rd in which you ask my
opinion upon the following question:

May the Welfare Investigation Commission appoint
investigators for the purpose of looking into specific
cases?

The Welfare Investigation Commission was created by a
Joint Resolution of the 83rd General Assembly which appears
in Chapter 318 of the Acts of 1943. The powers of the com-
mission are enumerated in Section 2 of that resolution, as
follows:

"The commission shall serve until December 31, 1944. The Commission shall make an investigation of
the welfare set-up in the State of Indiana, and said commission shall have power to subpoena any and all persons whom the commission believes have information which the commission may deem necessary for a full and complete investigation, and it shall have power and authority to subpoena the records and files of the welfare department, including such records as are made confidential by the Welfare Act of 1936. The committee is hereby authorized and empowered to administer oaths and examine such witnesses under oath when they deem it necessary for the good of the state.”

In addition to the general investigation as provided for in Section 2, Section 4 provides that a report shall be made to the governor and members of the General Assembly and any bills necessary to carry out its recommendations shall be presented at the next General Assembly.

In the Biennial Appropriations Act, Chapter 296 of the Acts of 1943, at page 944, ten thousand dollars is appropriated to pay the expenses incurred by the commission. The Indiana Constitution provides in Section 16 of Article 4, “Each House shall have all powers, necessary for a branch of the legislative department of a free and independent State.” Investigation for the purpose of legislation is a well recognized function of state legislatures and within their inherent power. The power of investigation is a necessary incident to lawmaking and may be delegated by joint resolution to such a committee as yours although the assembly is not now in session. In the exercise of such an investigation the committee is exercising a legislative function. In Volume 1 of Cooley on Constitutional Limitations, 8th Edition, page 275, the general principle is expressed as follows:

“Each house must be allowed to proceed in its own way in the collection of such information as may seem important to a proper discharge of its functions, and whenever it is deemed desirable that witnesses should be examined, the power and authority to do so is very properly referred to a committee, with any such powers short of final legislative or judicial action as
may seem necessary or expedient in the particular case."

See also McGrain v. Daugherty, 273 U. S. 135.

Although there is no express provision in the joint resolution for employment of investigators, it is inherent in the situation that the committee will employ some help. If in the exercise of its delegated authority, it is expedient to hire some assistance whether it be for the purpose of clerical aid, research or investigation, I am of the opinion that the authority to contract such employment is necessarily implied in the authority delegated to the committee. In fact, Section 3 of the joint resolution, in speaking of traveling expenses, provides, "That public officers and employees shall be paid only their necessary traveling expenses," thus, at least indirectly recognizing the necessity of hiring some employees. See Shaw v. Grumbine, 278 Pac. 310 (Okla.) where it was held that such a committee had a right to employ assistance although a constitutional provision forbade the employment of extra legislative employees. However, the use of the word "investigator" is to some extent misleading since the joint resolution does not authorize the obligation by the committee of any of its authority or power to an employee. The functions of such an employee are therefore limited to those advisory in nature.

You also direct my attention to the fact that by the Welfare Act of 1936 (Chapter 3 of the Acts of 1936, Special Session) as amended by Section 8 of Chapter 179 of the Acts of 1943 (52-1262, 52-1262a and 52-1262b, Burns' 1933 Supplement) certain records of the Welfare Department are made confidential. The specific provisions of Sections 52-1262 and 52-1262a are as follows:

"All records concerning any applicant or recipient of assistance contemplated in Part 3 of this act shall be confidential, and the use or disclosure thereof shall be restricted to purposes connected with the administration of assistance under this act.

"It shall be unlawful, except for purposes directly connected with the administration of this act and in accordance with the rules and regulations of the state department of public welfare, for any person, body,
association, firm, corporation or other agency to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any lists or names of, or any information concerning persons applying for or receiving public assistance pursuant to the provisions of the welfare act directly or indirectly derived from the records, papers, files or communications of the state or county or subdivisions, agencies or offices thereof or acquired in the course of the performance of official duties other than as provided in this act."

However, I do not believe those provisions are applicable to your commission nor to its authorized representatives for two reasons: It will be noted that Section 2 of the joint resolution provides specifically that the commission shall have power and authority to subpoena the records and files of the welfare department, including such records as are made confidential by the Welfare Act of 1936. Necessarily the Welfare Act of 1936, as was entitled by the legislature, would include any amendments to the act. Although this joint resolution was passed prior to the 1943 amendment to the act, the 1943 amendment only added a proviso to the act which is not material herein. Furthermore, even in the absence of such express exemption, since the commission is exercising a legally delegated legislative function, the provisions of a statute making records confidential should not be so strictly applied as to inhibit the legislature in the performance of its constitutional functions. I am, therefore, of the opinion that this information may be used by your commission insofar as it may be necessary to the procurement of pertinent information necessary to state legislation.