It will be noted that the term "wages" falls within the meaning of "personal service" as defined by statute, and therefore so much of said appropriation of $4,500,000.00 as is spent for wages must be spent in accordance with the above quoted language of Sec. 8. This is likewise true of any part of said appropriation which may be spent for equipment and for any item or items coming within the definition of "other operating expenses" as above set out. However, the General Assembly did not specify what parts of said appropriation of $4,500,000.00 should be spent for wages, materials and payments to contractors, leaving that question for the determination of the commission.

HIGHWAY COMMISSION, STATE: Authorized to construct roadside parks.

Parks, Roadside: Authority of State Highway Commission to construct.

Roadside Parks: Money for construction of, payable out of State Highway construction fund.

Funds, Highway Commission: Money for construction of roadside parks payable out of construction fund.

June 13, 1940.

Hon. T. A. Dicus, Chairman,
State Highway Commission of Indiana,
State House Annex,
Indianapolis, Indiana.

Dear Mr. Dicus:

I have your letter of June 7 in which you state:

"The State Highway Commission of Indiana proposes to construct, on right of way acquired for that purpose, along state highways near the borders of the state, buildings which will be used for the convenience of and dissemination of information to the traveling public.

"These buildings, two of which are planned for immediate erection, will contain sanitary conveniences, drinking water fountains, maps and tourists' information. Grounds will be landscaped and provided
with picnic tables, benches, fireplaces and parking lot. The basic idea is to provide such information and conveniences as are necessary for the motorist. It is our idea that these buildings be in charge of attendants who are competent to give necessary information and who will keep buildings and grounds in good condition.

“The question has been raised by the State Board of Accounts that there are no funds set aside for the purpose of such construction and operation, and that, therefore, the Commission cannot carry out this project.”

And you then present the following questions:

“1. May the Commission carry out such a project?

“2. May cost of necessary construction be paid out of funds allocated for construction of highways?

“3. May the cost of operation of such places be paid out of funds allocated for maintenance of highways?

“4. If the answers to questions 2 and 3 are negative, what funds may be used to carry out this project as provided by law?”

Section 11 of Chapter 256 of the Acts of 1937, page 1207, reads as follows:

“Sec. 11. The state highway commission either by grant or condemnation is hereby authorized and empowered in the name of the state to acquire along the highways in the state highway system, tracts of ground not exceeding three acres in extent for recreation and picnic grounds, tracts of ground, not exceeding one mile in length and one thousand feet in width for landing fields or landing strips, to be acquired and paid for in the same manner that right of way for such highways is acquired and paid for, excepting that the fee simple title shall be taken thereto. Such tracts shall be under the jurisdiction of the state highway commission, and it may furnish the same with sanitary conveniences, shelters, lights, benches, tables,
fireplaces and water supply. All such acres shall be open at all reasonable times to the public for recreation and meeting purposes. The commission is authorized to adopt and post regulations governing the use of such tracts and the conduct of persons using the same. The commission is also authorized to beautify such tracts. Whenever in the relocation of any such highways, a part of such abandoned highway is no longer needed for highway purposes, said commission is hereby authorized to use the same for a recreation and picnic ground. The cost of maintaining all such tracts of ground shall be paid out of the funds appropriated to said commission for the maintenance of highways.”

This section specifically grants authority to the State Highway Commission, either by grant or condemnation, to acquire along the highways in the State Highway System tracts of ground not exceeding three acres in extent for recreation and picnic grounds, and further provides that such tract shall be under the jurisdiction of the State Highway Commission, and that said Commission may furnish the same with sanitary conveniences, shelters, lights, benches, tables, fireplace and water supply. It further provides that the Commission is authorized to beautify such tracts. The last sentence of said section provides that “the cost of maintaining all such tracts of ground shall be paid out of the funds appropriated to said Commission for the maintenance of highways.”

Section 14 of said Act, among other things, provides that:

“Sec. 14. The state highway commission is authorized from time to time (to) prepare, print and distribute maps of the state highway system, with such other data as said commission may deem advisable. * * * Said commission is also authorized to share in the expense of publishing and distributing a magazine or other literature advertising the natural resources and advantages of the state, when such magazine or other literature is published by any other department or departments of the state, with the approval of the governor.”
In construing both of the said sections, I am of the opinion that questions 1, 2 and 3 should be and are answered in the affirmative.

TEACHERS, STATE RETIREMENT FUND: Payment of arrearages.
Retirement Fund, Teachers: Payment of arrearages.
Payments, Teachers’ Retirement Fund: Payment of arrearages.

June 14, 1940.

Hon. Robert B. Hougham,
Executive Secretary, Board of Trustees,
State Teachers’ Retirement Fund,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that the Board has before it a number of applications of teachers who are now members of the fund as established under the Retirement Fund Act as it existed prior to the 1939 amendments who desire to elect to come under the provisions of the 1939 amendments and obtain the benefits of those amendments. In some cases the accounts of the applicants show deficits as the accounts existed under the provisions of the Act as previously existing. These deficits may be classified as follows:

“1. Deficits due to the payment of an insufficient contribution in one or more of the past years on account of errors.

“2. Deficits due to the failure to pay a contribution as required by law in some previous year.

“3. Deficits due to the establishment of the teacher of a new ‘beginning age’ for the fixing of rates of contribution by claiming additional years of service under and according to the provisions of the 1939 law. This deficit arises because the change of the ‘beginning age’ must increase the rate which should have been paid under the old law.”

You request an official opinion in answer to the question as to whether the Board may require the payment of the