The conclusion of the Attorney General in construing this provision was as follows:

"From what I have said, my opinion is that the Commission is empowered to assess the expenses of inquiring into and informing itself as to the facts necessary for it to regulate utilities, and the expenses of such inquiry may be properly assessed against a utility under investigation."

This statute above set out evidently contemplates that the costs so chargeable must be in an investigation which will result in some order, and it must be assumed that the costs will not be arbitrarily arrived at and that the utility will be given some opportunity to be heard as to the propriety of the expense.

It is my opinion, therefore, that the Public Service Commission may charge to the owner or operator of a utility the necessary expense incurred by the Commission in the revaluation of the utility property.

PUBLIC INSTRUCTION, DEPARTMENT OF: Furnishing of transportation or physically handicapped or indigent children not mandatory on school corporation.

February 1, 1939.

Mr. Grover Van Duyn,
Assistant Superintendent,
Department of Education,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of January 27, 1939, requesting an official opinion in answer to the following questions:

1. Are resident school corporations required to furnish transportation to indigent, physically handicapped children who, by reason of such physical handicap, are unable to walk to the special school provided for their training?

2. The compulsory school law requires the attendance of all able-bodied children from the age of 7-16. Section II of the Acts of 1913, page 655 as amended in 1933, page 414, provides that the transportation of high
school pupils is optional with the trustee. Are the resident school corporations of indigent children who are eligible to attend high school obligated to transport such indigent children when they live at a distance too great for them to walk?"

The answer to your questions is found in Section 28-3504 of Burns Indiana Statutes Annotated (1933), which provides as follows:

"School cities, towns and townships may provide transportation for children who are enrolled in special classes organized and established under the provisions of this Act, in cases where such children are physically unable to reach the school where they are entitled to attend, or where such school is situated at a greater distance from the home of any such child or children than the regular school."

It will be observed that the use of the word "may" has the effect of making it optional to provide transportation based solely upon the physical condition of the child. Such child would doubtless be entitled to transportation to the regular school, where, under existing laws, transportation is required to be provided or is provided, but it seems to me that the statute is clear on the subject that transportation does not become mandatory solely upon the basis of physical handicap.

I find no statute which bases the right to transportation upon the financial condition of the parents. Under the compulsory education law, however, there is a provision to the effect that where a parent or other person having control or charge of any child, subject to the provisions of this law, does not have sufficient means to furnish such child with books, school supplies and clothing necessary to the attendance upon school, then the school corporation wherein such child resides shall furnish temporary aid for such purpose. (Section 28-512 Burns Indiana Statutes Annotated (1933)) but this does not include the right to furnish transportation. The answer to your first question is, therefore, in the negative; that is, there is no mandatory requirement that such corporation furnish transportation based solely upon the fact that the child is indigent and physically handicapped.

If the facts are such as under the law, children generally are required to be transported or are transported to the regu-
lar school, of course, the same status would exist as to the physically handicapped children, although I doubt whether in that case the mandatory duty extends any further than to provide transportation to the regular school.

The statute providing special classes makes the provision above quoted applicable to children attending school in those special classes, and this statute apparently governs the case submitted by you.

As to your second question, what has been said heretofore applies with double reason because the question of transportation of high school pupils is at most only optional; that is, there is no mandatory requirement for such transportation. Your second question, therefore, as to whether school corporations are obligated to transport indigent children for the purpose of attending high school, is also answered in the negative.

ADMINISTRATIVE BUILDING COUNCIL: Act conferring regulatory authority on Administrative Building Council does not conflict with Acts of 1937, Ch. 83.

February 3, 1939.

Mr. Don F. Stiver, Secretary,
Administrative Building Council,
State House,
Indianapolis, Indiana.

Dear Mr. Stiver:

I have your letter of January 31, 1939, in which you ask for an official opinion as to whether or not there is any conflict between the Act of 1923, Ch. 64, p. 195, providing for an administrative building council and an Act of 1937, Ch. 83, p. 435, to regulate and restrict the operation of moving picture shows, theatres, dance halls, night clubs, cabarets, assembly halls and other places of public amusements and entertainments and to provide for the inspection of and to place the supervision thereof under the office of the state fire marshal.

Under the Act of 1923, Section 4 thereof provides:

"It shall be the duty of the administrative committee and it shall have power, jurisdiction and authority: to administer, execute and enforce any and all laws now in force or hereafter enacted in this State relative to