Mr. W. G. Biddle,
Comptroller, Indiana University,
Bloomington, Indiana.

Dear Sir:

You have asked for an official opinion upon the question of whether or not mileage as per statute may be paid to members of the Board of Trustees of Indiana University attending a regular meeting of the board to be held in Lake County upon the occasion of the dedication of the university’s Calumet Extension Building.

I assume that you refer to sections 28-5333 and 34-201, Burns Indiana Statutes Annotated 1933, as the statutes fixing the amount of mileage to which a member of the board is entitled as a part of his pay, (see Official Opinions of Attorney General, 1927-1928, pages 434, 435) which statutes are construed to allow a trustee the sum of $5.00 for each 25 miles distance between his residence and the meeting place of the board, which distance he travels in going to and from such meeting.

The question contained in your letter depends upon whether the amount to be paid a trustee of the university for attending a board meeting elsewhere than at Bloomington is to be computed upon the distance from his place of residence to such designated meeting place at the rate provided in section 34-201, supra, or at the rate of four cents per mile as contained in the 1939 Biennial Appropriation Act (Acts 1939, chapter 47, sections 1 and 3, p. 199).

The statutes give to the Board of Trustees broad powers in the establishment, control, operation, and management of Indiana University and all of its departments, including schools, hospitals, and a nurses’ training school (Sections 28-5302, 28-5403, 28-5404, 28-5405, 28-5411, 28-5413, 28-5415, Burns Indiana Statutes Annotated 1933, Supplement 1939). Section 28-5311 requires that the directors “shall annually meet at the town of Bloomington, at least three days preceding the annual commencement of the university.” This statute requires an annual meeting at Bloomington, but no other statutory pro-
vision designates either a time or a place for such other meetings as may be deemed necessary.

In the exercise of the broad powers conferred by the General Assembly as above referred to, it is apparent that the welfare of the university would at times require the board to meet at places other than Bloomington where lands, buildings, and other property belonging to the university and under the control and management of said board are situated. To this end, the board would possess the authority to make provision by proper proceedings in its records for a meeting or meetings to be held at such times and places as might be necessary, in addition to the annual meeting at Bloomington. In view of the fact that a building has been constructed in Lake County for the Extension Division of the university, and that such building is a part of the university, it would not be improper to hold a board meeting there.

In determining whether the provisions of the 1939 Biennial Appropriation Act or Sections 34-201 and 28-5333 Burns, etc., 1933, are applicable in computing mileage, it is to be observed that the statute provides that the "pay" of the member shall consist, in part, of mileage at the rate of five dollars for every twenty-five miles. (My italics.) Such amount is not designated as reimbursement solely for expenses incurred, but is provided as a method of determining the total amount which the board member shall receive, together with his per diem, as compensation or recompense for the time and service he shall give in discharging his duties as a member of the Board of Trustees and the personal expense which he shall sustain in going to and from the board meetings.

The provision of the Biennial Appropriation Act which authorizes the payment of mileage at not to exceed four cents per mile is only for the reimbursement of a state officer or employee "for the use or operation of any motor vehicle, owned or operated by any state officer or employee, and used in the discharge of state business." Such provision is not applicable to the mileage traveled by a member of the Board of Trustees of Indiana University in attending board meetings, for the reason that sections 34-201 and 28-5333 make complete use of the distance traveled by the board member regardless of how traveled, in computing his pay.

In conclusion, it is my opinion that a member of the Board of Trustees of Indiana University is entitled to receive five
dollars for every twenty-five miles between his place of residence and the board's meeting place in Lake County, duly designated by said board, if traveled by him in going to and from such meeting.

HOUSING BOARD, STATE: Whether law precludes commissioner from selling insurance to an authority or a third party interested by contract in such authority.

November 29, 1939.

Hon. Walter E. Stanton,
Executive Secretary,
State Housing Board of Indiana,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter referring to section 6 of chapter 207 of the Acts of the Indiana General Assembly of 1937, and inquiring whether such section:

"(a) Precludes a duly qualified commissioner from selling insurance to an authority upon the properties of the authority and from which sale such commissioner would derive a commission from the company which he represents, and

"(b) Precludes a duly authorized and qualified commissioner from selling insurance to a third party who is required to carry insurance as a result of a contract with the authority."

The Act referred to is an Act creating housing authorities in the several cities and towns of the state providing for the organization of commissions to administer such authorities and other relevant matters. Section 6 provides as follows:

"No commissioner or employee of an authority shall acquire any interest direct or indirect in any housing project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of an authority owns or controls an