As stated in my opinion of November 6th, referred to above, the township trustee is not obligated in any event to furnish transportation for the parochial school children living in the orphanage. Furthermore, as to parochial school children generally, living in their own homes, it is my opinion that the proper school trustees are only obligated to furnish transportation for such number of them as can be accommodated in the school bus already in operation over the regularly established school route in question.

DEPARTMENT OF PUBLIC WELFARE: Salary and expenses of staff members of County Department, how fixed. Method of fixing salary of staff members of County Department. Expenses of staff members of County Department, how fixed.

November 27, 1936.

Mr. Wayne Coy,
Acting Administrator,
Department of Public Welfare,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Mr. Coy:

Your request of November 4, 1936, for an official opinion in answer to certain questions is at hand.

In connection with the opinion given William P. Cosgrove, State Examiner, on July 3rd of this year, you ask for a further interpretation of Section 24 of The Welfare Act of 1936, and you propound the following questions:

> "1. Can a County Director and County Board of Public Welfare employ a staff member and fix his compensation 'at $.... per month and ....% per mile for each mile necessarily traveled in the performance of his duties', instead of making the expense allowance a fixed total sum?
>
> "2. Can a County Director and County Board of Public Welfare employ a staff member and fix his compensation 'at $.... per month salary and $.... per month for expense of a car', making the expense item a fixed total sum irrespective of the miles traveled?

"3. Can a County Director and County Board of Public Welfare employ a staff member and fix his compensation 'at $.... per month salary for services, including use of a car, making the salary sufficient to cover the estimated use of the car?"

Section 24 of The Welfare Act is as follows:

"County Staff. The County Director, with the approval of the County Board, shall appoint and fix the compensation of such assistants as may be necessary to administer the welfare activities within the county and to perform all other duties required of the department."

The word compensation in the foregoing Section is, as stated in a former opinion, the only reference that bears directly upon the amount to be paid the necessary assistants to the County Director. The word compensation is more comprehensive in its meaning and includes more than salary. It has been defined as "a return given for something else."

Ballentyne's Law Dictionary, p. 248.

It has been held to include expenses.

People vs. Wample, 115 N. Y. 302, 22 N.E. 272, 274.
Searcy vs. Grow, 15 Cal. 112, 117.

It has also been held to include fuel, clerk hire, etc.

Kilgore vs. People, 76 Ill. 548-552.

It has also been held to include mileage.

Starr vs. The Board, 40 Ind. App. 7 at pp. 11, 12.

You state in your communication that the expense of travel is one of the necessary expenses incurred by some of the staff members, and I can see how such expense is one that would necessarily have to be incurred by investigators in ascertaining such facts as are required before the application for assistance could be properly passed upon. I stated in my former opinion that the authority granted in Section 24 would "clearly enable the Director and Board to take such necessary expenses into consideration in fixing the compensation

and allow it either as a part of the compensation or as an expense item to be added to any other sum payable for services rendered." I am still of this opinion, and it seems to me that this statement answers your questions. But as you are requesting a more specific answer, I think your questions should each be answered in the affirmative; the method or procedure is to be determined by the County Director with the approval of the County Board so that the method adopted or the sum fixed would be accurately determined with fairness both to the employee and the county and with the least possibility of abuse.

If the method stated in your first question should be adopted, I would suggest that strict procedure be followed so that the interests of the State and county are fully protected. In the first place, care should be taken that there is no duplication; that is, the amount allowed as salary should be purely a salary allowance and no more and should be free from any compensation for travel or other expense. If the compensation is fixed by the County Board under the conditions stated in your third question, then there should be no additional amount allowed in the way of expense. Whatever method is used, appropriate rules and regulations should be adopted by the State Department to govern the procedure so as to insure accuracy in the submission for payment of expense items and to exclude improper charges.

SECURITIES: Selling stock does not constitute the doing of business of such corporation. FOREIGN CORPORATIONS: Foreign corporations engaged in a business that would be illegal in this state not prohibited from selling securities if qualified under Securities Law. STOCK: Stock lawfully issued by foreign corporations may register same for sale in this state.

December 1, 1936.

Mr. Chester R. Montgomery,
Securities Commissioner,
203 State House,
Indianapolis, Indiana.

Dear Sir:

I have your request of October 2, 1936, for an opinion, which reads as follows: