uation, planning, design, or the responsible supervision of any construction or operation, in connection with any public or private utility, structure, building, machine, equipment, process, works, or project, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles or data.”

Thus it will be seen that only those who possess certain requisite qualifications may practice professional engineering.

Reviewing the sections of the statute to which you refer in your letter, it is my opinion that the use of the word “engineer” by the persons mentioned in your letter, is clearly unwarranted.

It is common knowledge that registered professional engineers specialize, and in order to designate their specialty, properly use descriptive terms in connection with their title; for example, “electrical engineer,” “chemical engineer,” “mechanical engineer,” etc. It might be suggested that if, merely by using a prefix, unqualified persons could entitle themselves “engineer,” then the term would become useless as a designation of the qualifications as required by the statute.

TEACHERS’ RETIREMENT FUND BOARD: Laboratory school of Indiana University, whether such teachers come under the State Teachers’ Retirement Fund Act.

February 9, 1938.

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

Dear Sir:

I have before me your request for an official opinion concerning the status of the teachers employed by Indiana University in the University Laboratory School as respects their relation to the Indiana State Teachers’ Retirement Fund. The question, briefly stated, is: Will such teachers come under the new university retirement system or remain as members of “The Indiana State Teachers’ Retirement Fund,” as provided by Chapter 182 of the Acts of 1915, as subsequently amended?
I think your question may be approached more easily by an examination of the Act of 1915, supra, as subsequently amended, designating who are the members and beneficiaries of that fund. Section 28-4511 of Burns' Indiana Statutes Ann. 1933 provides as follows:

"The members and beneficiaries of this fund shall include any legally qualified and regularly employed teacher, teacher-clerk, supervising principal, principal, supervisor, superintendent of schools, person in charge of teaching any special department of instruction or training, or any other teacher or instructor legally qualified and regularly employed as such in any of the public schools of this state; or in any public state normal school of the state, supported wholly by public money, and devoted to the preparation of teachers; or the legally qualified and regularly employed teachers, principals, superintendent and others named above in any other public state educational institution of this state supported wholly by public money and whose teachers devote their entire time to teaching, and the legally qualified and regularly employed teachers in state benevolent, charitable, and correctional institutions whose teachers devote their entire time to teaching; and employees in the office of the state superintendent of public instruction or in the office of the state teachers' retirement fund who were qualified under this Act previous to their election or appointment. The secretary to the president and the assistant librarian of the Indiana State Normal School shall be construed to be teacher-clerks within the meaning of this act. The members of the fund shall be as follows:

1. All teachers, as herein defined, who are employed to teach in the public schools of the state and whose services in such schools begin after June 30, 1921, and who are not employed in those units described by this Act, having, before the passage of said Act of 1915, a local pension system.

2. Those teachers who entered service in such schools of the state before the passage of this amending statute but who were not members of the state pension system,
and who, before September 1, 1922, shall elect to receive membership in this system by the payment of arrearages under the conditions set forth by this Act.

3. Members of units established under this act before amendment. Provided, however, That teachers in any school corporation which had, at the time of the passage of said Act of 1915, a pension or annuity system, may not become members of this fund, except under the conditions and terms as set forth in this Act.

And also provided that teachers in any state institution which is operating under any pension or annuity system not provided for by the laws of the State of Indiana may not come under the provisions of this Act, but, in the event that these institutions cease to operate under the system mentioned above, the teachers may become members of the fund created under this Act, under conditions established by the board of trustees of the Indiana state teachers' retirement fund hereby created, provided that those conditions shall be consistent with the provision of this Act.” (Our italics.)

The proviso above set out apparently had for its purpose the removal from the state fund of those teachers in any state institution which is operating under any pension or annuity system not provided by the laws of the State of Indiana.

In an opinion to the Executive Secretary of the State Teachers’ Retirement Fund Board under date September 9, 1926, the then Attorney General held that since the teachers of Indiana University were operating under a pension system offered by the Carnegie Foundation, such teachers were not eligible to become members of the state fund. I am advised that that same system applies as to Indiana University except that, by action of the last General Assembly, an appropriation was made to assist in the paying of the premiums to be paid under the Carnegie system. I doubt, however, whether this assistance from the state has the effect of converting the Carnegie Foundation system into a system “provided for by the laws of the State of Indiana.” In other words, I do not think the intention of the legislature was to establish two systems, or plans, of teachers’ retirement for the identical type of institution.

With that thought in mind, I think that really the only question which is before me is the question as to whether the
teachers concerning whom you inquire are teachers of the school city of Bloomington, or are teachers of the university. It is very definitely stated that the teachers are to be paid by the university, and, presumably the contract is to be between the teachers and the university. At any rate, the school city of Bloomington, under the plan proposed, apparently has no contract with such teachers and has no jurisdiction over them. Upon that basis, it seems to me that the teachers employed in the University Laboratory School are teachers of the university. If that is true, then they would come under the retirement system applicable to other teachers in the university and not under the general Indiana Retirement Fund Act.

HIGHWAY COMMISSION, STATE: Cities and Towns—Duty to maintain streets over which a state highway passes.

February 11, 1938.

Hon. Earl Crawford,
Chairman, State Highway Commission
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of February 7, in which you submit the following question:

"Since the Legislature has relieved all cities and towns of the responsibility for the construction or maintenance of the roads marked as state highways through their municipalities, did it not, therefore, relieve them of any liability that might result from an accident due to the condition of the surface of that portion of the streets which has been made the responsibility of the state highway commission for construction and maintenance?"

In reply to this question, your attention is directed to section 2, chapter 256 of the Acts of Indiana General Assembly, 1937, which reads in part as follows:

"* * * From and after the 1st day of January, 1938, said commission, to the extent of the funds available for the purpose, shall maintain and (,) as it determines necessary and the funds required are available, to