ordered during the sixty-one (61) day session of the General Assembly.

Thus, the annual salary of the members of the Legislature is no longer based upon services of the several legislators continuing during the entire term for which they were elected, but is based "solely" upon the services which they rendered during the regular sixty-one (61) day session of the General Assembly. In this instance, the payment of salary in installments does not detract from the fact that the services have already been rendered in full. Therefore, a legislator who attended the sixty-one (61) day session of the 92nd Session of the Indiana General Assembly in 1961 would be entitled to the payment provided for in Burns' 34-201f, supra, even though he may have, subsequent to such session, removed himself from his district and outside the State of Indiana.

In answer to your first question it is my opinion that the Auditor of State can legally continue to pay the balance of a legislator's salary even though he moves his domicile from his district.

The answer to question No. 1 is equally applicable to a legislator who moves his domicile outside the State of Indiana.

OFFICIAL OPINION NO. 3
January 3, 1962

Hon. Anna Maloney
State Representative
131 East 5th Avenue
Gary, Indiana

Dear Representative Maloney:

Your letter of December 11, 1961, has been received and reads as follows:

"I would like an official opinion regarding teachers' sick leave. The law states that the school board allow sick leave for teachers up to a total of 90 days.

"Is 90 days the maximum number of accumulated sick leave days that may be allowed—or may the board allow more than 90 days?"
“In other words, may a school board allow 100 or 150 days of sick leave, if it so desires?”

The statute under consideration is Acts of 1945, Ch. 231, Sec. 2, as amended by Acts of 1951, Ch. 293, Sec. 2, Acts of 1955, Ch. 179, Sec. 2, and Acts of 1959, Ch. 243, Sec. 1, as found in Burns’ (1961 Supp.), Section 28-4333, the pertinent provisions of which read as follows:

“* * * Each teacher shall be entitled to be absent from work on account of illness or quarantine for a total of ten [10] days the first year and seven [7] days in each succeeding year without loss of compensation, and for death in immediate family for a period extending not more than five [5] days beyond such death. If in any one [1] school year the teacher shall be absent for such illness or quarantine less than the prescribed number of days, the remaining days shall be accumulative to a total of ninety [90] days. Accumulative days accrued to the teacher as of the effective date of this act shall be credited to the teacher * * *”

After the above-referred to 1951 Amendment to the statute, it was construed by this office in an Official Opinion on the same question here presented, being 1954 O. A. G., page 216, No. 61. The Opinion held:

“The Acts of 1945, Ch. 231, Sec. 2, as amended, above quoted, is a statutory grant for a total of seven days in each year with an accumulation up to sixty days. However, there is nothing in said section prohibiting or limiting the right of the board to grant additional leaves of absence and to adopt reasonable rules and regulations upon the subject under their power otherwise had.

“It is therefore my opinion that such teachers receive seven days leave in each year which shall be accumulated to a total of sixty days by virtue of the statute; that school boards may grant additional leaves and provide for proper voluntary or involuntary leave for proper cause, which would be in addition to the above leave expressly provided by statute, which must be con-
sistent with the salary schedule adopted by the School Board and in force and effect.”

The later amendments to the statute, above referred to, only concerned the number of days, increasing the sick leave for the first year from seven (7) days to ten (10) days and increasing the accumulative sick leave from sixty (60) days to ninety (90) days. The ten (10) days’ sick leave provision was the subject of a further Official Opinion of this office, being 1959 O. A. G., page 244, No. 52, which is in accord with the earlier Official Opinion above referred to on the question here presented.

I reaffirm the conclusions reached in the two foregoing Official Opinions, and I am of the opinion the sick leave provisions of said statute only constitute a minimum and that additional sick leave, both as to number of days per year or total accumulative days, may be increased by proper official action of the school corporation, which must be consistent with the salary schedule adopted by the school board.

It would not be proper for this office to express an opinion as to how many additional days of sick leave could be granted. This is an administrative problem to be resolved in the discretion of the school officials. Like any other exercise of discretionary power by a public official, it is only subject to review by a court in the event of an abuse of such discretionary authority.

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OFFICIAL OPINION NO. 4

January 4, 1962

Hon. Charles O. Hendricks
Secretary of State
201 State House
Indianapolis, Indiana

Dear Mr. Hendricks:

This is in answer to your recent request for an Official Opinion on four questions pertaining to the method of obtaining service of process for actions growing out of an accident or collision on nonresident operators and owners of motor vehicles using Indiana streets and highways. Your questions,