panies as agents for such companies. This administrative interpretation placed by the Department upon the statute which it enforces and under which it operates is entitled to great weight in the construction of this act.

"The practice and interpretive regulations by officers, administrative agencies, departmental heads and others officially charged with the duty of administering and enforcing a statute will carry great weight in determining the operation of a statute. * * *"

Sutherland, Statutory Construction, 3rd Ed., Vol. 2, Sec. 5105, p. 516.

In view of the foregoing, after a careful examination of the various statutory provisions, and after taking into consideration the practices and customs followed by the Department of Insurance, it is my opinion that there is no statutory prohibition against licensing an officer of a life insurance company as an agent for that life insurance company.

OFFICIAL OPINION NO. 34
August 18, 1960

Mr. Harold F. Brigham, Director
Indiana State Library
140 North Senate Avenue
Indianapolis 4, Indiana

Dear Mr. Brigham:

This is in reply to your letter requesting an Official Opinion on the following questions:

"1. Under the provisions of the Library Law of 1947, as amended, Sections 13 and 15f (Burns 41-913; 41-915(f)), may two or more libraries enter into contract for the purpose of cooperative purchasing? Such purchasing would relate to:

(a) materials, such as books and periodicals;

(b) supplies, such as protective book jackets, catalog and book cards, and other similar items;
1960 O. A. G.

(c) services, such as rebinding of books and processing (cataloging, accessioning, marking, etc.) of new books.

"2. Would the 1957 Interlocal Cooperation Act (Burns 53-1101–53-1107) have any bearing on the preceding question affecting the interpretation of the Library Law of 1947?"

One of the statutory provisions referred to in your first question is the Acts of 1947, Ch. 321, Sec. 13, as found in Burns' (1952 Repl.), Section 41-913, which reads, in part, as follows:

"The library board of any library district operating under this act may enter into contract to receive service from an established county library district * * *." (Our emphasis)

Your other statutory reference in that question is to the Acts of 1947, Ch. 321, Sec. 15, subparagraph (f), as amended, as found in Burns' (1959 Supp.), Section 41-915, which reads, in part, as follows:

"The library board of any library district organized under the provisions of this act shall manage and control all the affairs of the library. It shall have power to make all rules and regulations for the discharge of its responsibility. The library board shall have power, as such board:

* * *

"(f) To contract with other libraries or municipal corporations for the receipt or furnishing of library service." (Our emphasis)

Inasmuch as Burns' 41-913 and 41-915 (f), supra, both concern powers of library boards to contract concerning "service," your question appears to be basically whether purchase of materials, supplies or rebinding, cataloguing, accessioning or marking books are within the meaning of "service" as used in Burns' 41-913, supra, or of "library service" as used in Burns' 41-915 (f), supra.
OPINION 34

The Library Law of 1947 does not define the word “service” in its definition section [Burns’ (1959 Supp.), Section 41-903]; therefore such word should be taken in its “plain, ordinary and usual, sense.”

2 R. S. 1852, Ch. 17, as found in Burns’ (1946 Repl.), Section 1-201.

Webster’s New International Dictionary (Second Edition) lists twenty-eight definitions of the word “service,” none of which may be called usual, even though most are ordinary.

In 79 C. J. S. Service or Services, pages 1139 to 1141, it is said, in part:

“The word ‘service’ has a multiplicity and a variety of meanings and different significations. It is not a simple word with a simple meaning, leaving no room for construction, but rather it is a broad term of description, which varies in meaning according to the sense in which it is used and the context in which it is found, and the sense in which it is used must be determined from the context. Thus the courts have found it impracticable to attempt a definition by which to test every case that may arise.

“As a Noun

“As lexically defined, the word ‘service’ means the act of serving; the act or instance of helping or benefiting; the act of helping another; the deed of one who serves.

“The word ‘service’ is further defined as meaning aid or assistance rendered; a benefit, advantage, or obligation conferred; that which promotes interest or happiness; useful office; avail.

* * *

“The word ‘service’ is also defined as meaning the being employed to serve another; the position of a servant; the state of being a servant; the occupation, condition, or status of a servant; the work of a servant; the work of a slave, hired man, or employee; the attendance of an inferior, hired helper, slave, etc.

* * *
1960 O. A. G.

"In a somewhat different sense the word 'service' signifies the act or means of supplying some general demand, the supply of needs; use; things required for use; * * *" (Our emphasis)

While there is some meaning of "service" which may approximate the subject of contracts proposed by (a), (b) and (c) of your first question, it is to be noted that there are parts of Burns' 41-915, supra, which more plainly are pertinent, to wit:

"(a) To take charge of, manage, and conduct the library affairs of the library district, and to care for, manage and insure all property, real and personal, belonging to the library board of trustees.

* * *

"(c) To acquire by purchase, devise, lease or by condemnation or otherwise * * * personal property for the uses and purposes of the library board.

* * *

"(g) To provide for the purchase and loan of books and other media of communication, and for the dissemination of information to the citizens of the library district in any manner whatsoever.

* * *

"(i) To employ and discharge librarians, janitors, engineers, and such other persons, employees and agents as may be necessary in the administration of the affairs of the library; * * *" (Our emphasis)

The subparagraphs already quoted from Burns' 41-915, supra, are but five of sixteen setting out incidental powers of a library board in furtherance of the policy declared in Burns' (1952 Repl.), Section 41-901 thus:

"It is hereby declared to be the policy of the state, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various subdivisions, and it is the purpose of this act to establish a unified law
OPINION 34

governing public libraries of the state which will promote efficiency and economy in the administration of such public supported libraries.” (Our emphasis)

It seems apparent that the basic purpose of libraries is to serve the public in the matter of distributing books to further public education, and that this is the “service” referred to by the Legislature in Burns’ 41-913, supra, and Burns’ 41-915 (f), supra.

It is my opinion that Burns’ 41-913, supra, and Burns’ 41-915 (f), supra, do not empower library boards to contract for purchases of property or services as specified in your first question. The power to purchase books, periodicals, protective book jackets, catalog and book cards and the power to hire services of rebinding and processing of books is granted to library boards by other parts of the Library Law of 1947, but not by language wherein co-operative procurement is either expressed or necessarily implied.

Your second question concerns the effect of the Interlocal Co-operation Act, the same being the Acts of 1957, Ch. 118, as found in Burns’ (1959 Supp.), Sections 53-1101 to 53-1107, inclusive, upon co-operative purchasing of goods and services by library boards organized and operating under the Library Law of 1947.

In Burns’ 53-1104, supra, it is said, in part:

“(a) Any power or powers, privileges or authority exercised or capable of being exercised by a public agency of this state may be exercised and employed jointly with any other public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the State of Indiana when acting jointly with any other public agency may exercise and enjoy all the powers, privileges and authority conferred by this act upon a public agency.” (Our emphasis)

As has been established by discussion of your first question, a library board of any library district operating under the
Library Law of 1947 has sufficient powers to contract separately to purchase all of the goods and services specified in your letter; therefore, if such library boards are public agencies, they may exercise such powers jointly with any other public agencies, as provided by the Interlocal Co-operation Act.

The last named Act defines the term "public agency" in Burns' 53-1103, supra, thus:

"For the purposes of this act, the term 'public agency' shall mean any city, town, county or other political subdivision of this state; any agency of the State of Indiana or of the United States; and any political subdivision of another state."

Obviously not being either a city, town, county, agency of the United States or another state, or political subdivision of another state, a library board is a "public agency" within the meaning of the Interlocal Co-operation Act if it is either a "political subdivision" or an "agency of the State of Indiana."

72 C. J. S. Political, page 223, reads, in part, as follows:

"Political subdivision. The term is broad and comprehensive and denotes any division of a state made by the proper authorities thereof, acting within their constitutional powers, for the purpose of carrying out those functions of the state which by long usage and inherent necessities of government have always been regarded as public; a division of a parent entity for some governmental purpose. The term may be used in more than one sense, and it may designate a true governmental subdivision such as a county, township, etc., or it may have a broader meaning, denoting any subdivision of the state created for a public purpose although authorized to exercise a portion of the sovereign power of the state only to a limited degree.

"Broadly speaking, a political subdivision of a state is a subdivision thereof to which has been delegated certain functions of local government.

"Municipalities are political subdivisions of the state, and the term 'political subdivision' is applied to cities, towns and villages * * *; and also to counties * * *;"
to drainage districts * * *; to election districts * * *; to sanitary districts * * *; to levee districts * * *; and to school districts * * *.”

While the library board of a library district organized or operating under the Library Law of 1947 may not be a “true” political subdivision as above narrowly defined, it is certainly within the broad definition. Specification of all units of local government having a generalized function (with the possible exception of townships) would leave the meaning of “other political subdivision of this state” in Burns’ 53-1103, supra, practically meaningless unless the legislative intent was to include as a “public agency” those political subdivisions, broadly speaking, which have more specialized functions. A library district is a public corporation constituting a separate and independent taxing district according to Burns’ 41-905, supra. Under the circumstances, it is a political subdivision within the meaning of “public agency” as defined by the Interlocal Co-operation Act.

Therefore, it is my opinion that library districts organized and operating under the Library Law of 1947 are, under the Interlocal Co-operation Act, qualified to exercise any power capable of being exercised by them singly in co-operation with any other “public agency” capable of exercising such powers. Specifically, their library boards may contract with one another for co-operative purchasing of materials and supplies and co-operative employment of services needed in performing their function as public libraries.

OFFICIAL OPINION NO. 35

August 25, 1960

Mr. Jay L. Foster
Indiana State Fire Marshal
145 W. Washington Street
Indianapolis, Indiana

Dear Mr. Foster:

This will acknowledge receipt of your request for an Official Opinion relating to your authority as State Fire Marshal over 210