on your part or the acts of any persons under your direction, control and responsibility, must be separate and apart from your official bond as Treasurer of the State of Indiana.

Therefore, in answer to your second question, your bond as Treasurer of State does not cover or include the acts and "duties" which you may voluntarily perform as Treasurer of the State Office Building Commission.

My answer to your first two questions this date has in most respects made a response to your third question unnecessary. However, it should be emphasized that your acceptance of custody of the funds of the State Office Building Commission at the request of that Commission is entirely a matter for your own decision.

OFFICIAL OPINION NO. 48
September 25, 1958

Hon. Richard E. Wright
State Representative
544 N. Main Street
Winchester, Indiana

Dear Representative Wright:

I am in receipt of your recent letter requesting an Official Opinion as to whether the City of Winchester, Indiana, a fifth class city, may use funds collected from parking meters to pay for garbage and refuse collection in said city.

The act prescribing the disposition and use of fees collected from parking meters in cities of the fifth class is Acts of 1949, Ch. 23, Sec. 3, as found in Burns' (1950 Repl.), Section 48-513. Said statute reads as follows:

"Said several cities and towns shall provide, by ordinance, that all license fees, when collected from such mechanical parking devices, shall be deposited with its clerk-treasurer, to the credit of such city or town but in a special fund, which said special fund shall be disbursed and paid out only under the orders and directions of the board of public works and safety or common council of said city or board of trustees of said town
and for the following purposes only: (a) For the payment of the purchase price, rental fees and cost of installation of such parking mechanical devices; (b) For the payment of the cost of maintenance, operation, repair and all other incidental costs and expenses in the operation of said mechanical parking devices. Included in said incidental costs and expenses shall be the cost of clerk and bookkeeping expenses in the handling and keeping of records of all fees so collected and expended; and (c) For the payment of the cost of traffic signal devices used in said cities or towns and also repair and maintenance of any of the public streets and highways where said mechanical parking devices are in use, and all streets connected therewith in said city or town. The board of public works and safety or common council of such city and board of trustees of such town shall have the right and authority to expend said special fund for the purposes above provided, without any additional appropriation therefor. A warrant for any such expenditures shall be drawn by the clerk-treasurer of such city or town upon a proper voucher of said board of public works and safety or board of trustees of said town, which voucher shall be signed by the president or vice-president and the clerk of said boards, as is now required by law for other expenditures of city and town funds by the said board of public works and safety or common council and boards of trustees. All monies remaining in the city or town treasury to the credit of said special fund at the end of any calendar year, shall remain in said fund and shall not revert to the general funds of said city or town. Nothing herein contained shall prohibit the common council of any city or the board of trustees of any town from transferring, by ordinance, at the end of any calendar year, any balance in said special fund to the general funds of said city or town."

As can be seen from the above statute, the only purposes for which moneys may be expended from the special fund consisting of parking meter fees are for the purchase or rental and cost of installation of such parking meters, the expense of
1958 O. A. G.

maintenance of same and for the purchase of traffic signals used in the city.

Therefore, it is my opinion that moneys may not be expended from the special fund which consists of parking meter fees for any other purpose than indicated in Burns’ 48-513, supra, and consequently may not be expended for the collection of garbage and refuse in the city. However, the balance in said special fund may be transferred by the common council of the City of Winchester at the end of the calendar year into the general fund of said city.

OFFICIAL OPINION NO. 49

September 26, 1958

Stewart T. Ginsberg, M. D.
Mental Health Commissioner
Indiana Division of Mental Health
1315 West 10th Street
Indianapolis 7, Indiana

Dear Dr. Ginsberg:

This is in response to your request by letter of August 15, 1958, for my Official Opinion on the question of whether the Muscatatuck and Fort Wayne State Schools are included under the provisions of Acts of 1955, Ch. 338.

Acts of 1955, Ch. 338, as found in Burns’ (1957 Supp.), Sections 22-4240 to 22-4245, in general provides for a procedure for the discharge of patients from psychiatric hospitals and for the restoration of the legal capacity of such people.

Burns’ 22-4242, supra, reads as follows:

"Whenever any patient is discharged by the superintendent or an administrator for the reason that the patient is no longer a mentally ill person, it shall be the duty of such superintendent or administrator to send a verified certificate of the discharge to the clerk of the court which committed such patient. The certificate shall contain the following information: 1. The name of the patient; 2. The date on which the patient was