It is therefore my opinion that the Acts of 1949, Ch. 76, as amended by Acts of 1951, Ch. 145, as found in Burns' Indiana Statutes (1948 Repl., 1953 Supp.), Section 25-424 et seq., no longer applies to all corporations organized and doing business in the State of Indiana, but specifically excepts those corporations which on May 1, 1951, the effective date of the 1951 Act, were required by other Acts to file annual reports in the office of the Secretary of State.
Accounts have authority to examine Housing Authorities and is it mandatory?

"2. Section 60-216 (Burns' Statutes 1951 Replacement) of the Accounting Law provides for the method of billing to and payment of the cost of examinations by the various units examined.

"If your answer to question 1 is in the affirmative, is the Housing Authority required to pay for such audit in the manner provided by statute?"

The Attorney General's Official Opinion No. 35, dated May 20, 1954, considered at some length the nature of Housing Authorities. Reference to the discussion therein is helpful in this matter. It was therein concluded that Housing Authorities exercise governmental functions and for purposes of inclusion within the Federal Social Security Program they are to be considered as exercising functions of the associated municipality. The Indiana Housing Authorities Act was enacted by the Acts of 1937, Ch. 207, as amended, as found in Burns' Indiana Statutes (1950 Repl.), Section 48-8101 et seq. Section 4 of said Act provides as follows:

"In each city, town, and in each county of the state there is hereby created a public body corporate and politic to be known as the housing authority of the city, town or county; Provided, however, That such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the city, town or the county, as the case may be, by proper resolution shall declare at any time hereafter that there is need for an authority to function in such city, town or county." (Our emphasis)

Section 5 of said Act provides when a city adopts such a resolution, the mayor shall appoint five (5) persons as commissioners of the authority created for such city; when a town or county adopts such a resolution the governing body is required to appoint five (5) persons as commissioners of the Housing Authority created for such town or county. The Housing Authority is expressly authorized to call upon the chief law officer of the city, town or the county for legal serv-
ices. Section 8 of said Act states that a Housing Authority shall constitute a public body corporate and politic. Section 14 of said Act requires that the bond issues of a Housing Authority must be approved by the City Council, Town Board or County Council. Section 24 of said Act, as your letter clearly points out, states, in part, as follows:

"The books, records and accounts of local housing authorities shall be periodically audited by the state board of accounts and such audits shall be paid for as now provided by law." (Our emphasis)

It will be noted that this provision is mandatory and unambiguous. In addition, the Public Accounting Law, the same being Acts of 1909, Ch. 55, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 60-201 et seq., contains other clear provisions regarding the same general subject-matter. Section 9 of the last cited act provides, in part, as follows:

"It shall be the duty of the state examiner, and he is given full power to examine personally or through the deputy examiners and field examiners, all accounts and all financial affairs of every public office and officer and of every public institution, * * *. The state examiner, deputy examiners or any field examiner when engaged in making any examination as provided in this act, or when engaged in any official duty devolved upon them as such, shall have the right to enter into any state, county, city, or township or other public office or offices in this state, or any public institution, and examine any books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian thereof or his deputy, to the cash drawers and cash in the custody of such officer, and they shall also have the right, during business hours to examine the public accounts in any depository which has public funds in its custody pursuant to the laws of this state."

Section 17 of the Public Accounting Law, supra, provides, in part, as follows:
"The term 'public office,' as used in this act, shall be construed to extend to, include and mean the office of any and every person who for or on behalf of the state or any municipality or any public service industry, holds, receives, disburses or keeps the accounts of the receipts and disbursements of any public funds. The term 'public officer,' as used in this act, shall be construed to extend to, include and mean any person who holds, receives, disburses or is required by law to keep any account of public funds."

It is apparent from the above quotations from the Indiana Housing Authorities Act that local Housing Authorities are creations of the Indiana General Assembly. Regardless of the relationship of local Housing Authorities to the Federal Government, this primary premise remains; that is, Housing Authorities are state created public agencies and their powers and duties are subject to state legislation. Consequently, the State Board of Accounts has the authority to examine the accounts, records, and financial affairs of Housing Authorities; not only does the State Board of Accounts have the authority so to do but it is the mandatory duty of the State Board of Accounts to make such examinations.

With reference to your second question, Section 15 of the Public Accounting Law, supra, provides that the expenses of examination of public accounts shall be paid by each municipality; ordinarily, a certificate is sent to the County Auditor stating the amount chargeable to the municipality and the County Auditor issues his warrant on the County Treasurer; the County General Fund is then reimbursed by the County Auditor out of money due to the municipality; however, where the county does not have possession or collection of funds due or to be due to any municipality, then the certificate is filed with and the warrant drawn by the disbursing officer of the municipality. A further section of the Public Accounting Law provides that all disbursing officers are authorized to make payments required under the provisions of said Act without any appropriation being made therefor. As stated above, Housing Authorities were considered in a recent prior opinion of the Attorney General as exercising functions of the associated municipality; I believe this principle should be applied
to the payment for your audit. The obligations of a local Housing Authority are not made the obligations of the associated municipality. Accordingly, it is my opinion that your certificate for payment of your audit of a local Housing Authority should be filed with and the warrant drawn by the disbursing officer of the particular Housing Authority involved.

I, therefore, conclude that:

1. The State Board of Accounts has the authority and duty to examine the accounts, records and financial affairs of local Housing Authorities.

2. A local Housing Authority is required to pay for such audit in the manner provided by statute.

OFFICIAL OPINION NO. 66

December 13, 1954

Mr. R. R. Wickersham
State Examiner
State Board of Accounts
304 State House
Indianapolis 4, Indiana

Dear Mr. Wickersham:

This is in reply to your letter in which you request my Official Opinion. Your letter reads as follows:

"Chapter 74, Acts 1931 (65-302 to 65-307) provided that townships with a first or second class city located therein or townships with a playground or public park under the jurisdiction of the township, the ‘salaries of the members of the advisory board, upon whom duties are laid by the act, shall be one hundred dollars each per annum.’ The duties imposed upon the advisory boards were in connection with poor relief and public parks.

"Chapter 116, Acts 1935 is an independent act relating to poor relief in all townships.

"Chapter 89, Acts 1941 is an act concerning the ap-