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“public elevators and warehouses” to secure a permit of public convenience and necessity where there is an existing similar warehouse within the municipality, although the amended section now specifically exempts municipality operation.

For reference as to the jurisdiction of the Public Service Commission over the rates and tariffs of public warehouses and their enforcement, see 1946 Opinions Attorney General, page 280, No. 75, which did not require a discussion of the status of the 1875 Act about which this current opinion was requested.

It is therefore my opinion that the Public Service Commission of Indiana, as created by Acts 1941, Chapter 101, alone has authority under the Public Service Commission Act of 1913, Chapter 76, as amended, to grant permits, franchises or certificates of public convenience and necessity to persons or corporations seeking authority to operate public warehouses.

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### OFFICIAL OPINION NO. 113

December 18, 1953.

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

Dear Mr. Wickersham:

This is in reply to your letter of November 13, 1953, which reads in part as follows:

“1. Is the Deputy Director of Printing as provided in Section 5, Chapter 279, Acts of 1947 required to act as ex officio Clerk of the State Election Board as provided in Section 10, Chapter 208, Page 680, Acts of 1945?

“2. If the answer is in the affirmative, is the Deputy Director of Printing, serving as Clerk of the Election Board, required to serve without additional compensation?”

The Acts of the General Assembly of 1941, Chapter 124, as found in Burns' Indiana Statutes Annotated (1949 Repl.), Section 63-1638 provided in part as follows:

“\* \* \* There is also hereby created the office of director of printing purchases (director of public works and supply), who shall be appointed by the board, \* \* \*. Said director of printing purchases shall be secretary of said board of public printing, and shall also act as ex officio clerk of the state board of election commissioners without remuneration. \* \* \*”

The Acts of the General Assembly of 1945, Chapter 208, as found in Burns' Indiana Statutes Annotated (1949 Repl.), Section 29-3003 provides in part as follows:

“The director of the board of public printing who shall serve as clerk of the state election board or such officer as hereafter may be vested with such first named officer's powers and duties, shall assist and advise the state election board with reference to the preparation and printing of ballots and other necessary election supplies.”

The Acts of the General Assembly of 1947, Chapter 279, as found in Burns' Indiana Statutes Annotated (1951 Repl.), Section 60-1805 provides in part as follows:

“\* \* \* the director of public works and supply shall \* \* \* appoint a deputy or assistants who shall have the qualifications and who shall be assigned to the duties assigned to the director and deputy director of printing as set forth in said act. \* \* \*”

The excerpts of the various Acts of the General Assembly as set out above show that the office of director of the board of public printing is now held by a deputy or an assistant of the director of public works and supplies, and has the duties as set forth by Chapter 124 of the Acts of 1941, *supra*.

It is therefore my opinion:

1. The deputy director of public works and supplies who holds the office of what was formerly known as the director of

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the board of public printing is required to act as an ex officio clerk of the state election board.

2. The deputy director of public works and supplies who is serving as clerk of the election board is not entitled to additional compensation for serving as such for the reason that the 1941 Act provides that this service shall be without remuneration and by virtue of the rule as set out in the Attorney General Opinions of 1940, page 99 and the Attorney General Opinions of 1929 and 1930, page 937, which states that public officers take their office *cum onere* and services required of them by law for which they are not specifically paid must be considered being performed without additional compensation.

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### OFFICIAL OPINION NO. 114

December 19, 1953.

Mr. Harry E. Wells,  
Commissioner of Insurance,  
240 State House  
Indianapolis, Indiana.

Dear Mr. Wells:

I have your letter requesting my opinion which reads as follows:

“May I have your official opinion on the following question:

“As a service to the public, the Department of Insurance accepts complaints from persons whose claims have been denied from insurance companies and writes to such companies asking them to explain their reason or reasons for denial of such claim. After receipt of the company’s reply, either the entire text or the substance of such reply is forwarded to the complainant.

“The complainant is then advised that if he is not satisfied with the explanation of the company as to the reason of their denial, that such person, if he so desires, has the right to pursue his remedy through a court of law by engaging the services of an attorney at law of his own choice. Naturally the Person’s complaint, the