

ceed himself for a second four year term. This Constitutional provision contains no limitation on the period that a surveyor may continue in office. Therefore, it is my opinion that a surveyor may succeed himself any number of times.

OFFICIAL OPINION NO. 73

December 8, 1952.

Mr. Joe W. Green,
State Veterinarian,
Indiana State Livestock Sanitary Board,
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

“A question has arisen with respect to the matter of issuing quarantines by this Division of State Government, concerning which an official opinion is respectfully requested.

“The question presented for determination is whether or not it is necessary to follow the procedure set out in Chapter 365, Acts of the 1947 General Assembly, known as the ‘Administrative Adjudication Act’ or whether the broad power to establish quarantines as set out in Chapter 80, Acts of the 1951 General Assembly (section 151) is sufficient to warrant the issuance of quarantines in such cases as are deemed necessary for the prevention, suppression, control and eradication of communicable diseases affecting the health of domestic animals within and in transit through the state.

“The sections of the two statutes, concerning which the question has arisen as to which is controlling are set forth as follows:

“Section 5, Chapter 365, Acts of 1947
“Whenever the law applicable to the particular agency authorizes such agency to make investigations or inspections it may make the same as

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so authorized with or without notice. The final order or determination of any issue or case applicable to a particular person shall not be made except upon hearing and timely notice of the time, place and nature thereof. In matters not expressly covered by the notice requirement of this Act, the agency shall provide the manner and form of notice by rule, provided, however, that in a case of emergency a temporary order may be made by such agency to be effective only until notice may be given and hearing had as herein provided."

"Section 151, Acts of the 1951 General Assembly—"The Board may establish a quarantine and may do and execute what is reasonable and necessary for the prevention and suppression of disease in domestic animals."

"There have been outbreaks of several different serious diseases affecting the health of domestic animals in the State of Indiana within the past six months which have required emergency action in order to prevent serious epidemics. To adequately cope with these situations and still not deprive any of the effected parties of Due Process of Law, we have issued 'Temporary orders of Quarantine' and otherwise followed the procedure set out in Chapter 365, Acts of 1947. We have recently, also been following the same procedure in cases not necessary of an emergency nature such as the issuance of quarantines on herds of cattle belonging to owners who failed to submit their cattle to a tuberculin test, during the time a county-wide test was being made in accordance with State and Federal Regulations.

"Copies of the different 'Temporary orders of Quarantine' which have been used together with the Notice of Hearing letters sent in conjunction therewith are being enclosed in the event you should care to examine them in connection with the question which has been presented."

Pursuant to your request I have examined Chapter 80, Acts of 1951, particularly Section 151 set out in your request. I have also examined the Uniform Administrative Adjudication Act, same being Chapter 365 of the Acts of 1947 found at Burns' 63-3001. That act specifically states that its intent is to make uniform procedure for administrative adjudication by all agencies of the state. It continues to define the other agencies to include "* * * any office, board, commission, department, division, bureau or committee of the State of Indiana * * *." The acts make certain specific exemptions which are not applicable to the State Livestock Board.

Certain other portions of the act appear to be particularly applicable to the situation about which you inquire. Section 5 of the act, same being Burns' 63-3005 reads as follows:

"Whenever the law applicable to the particular agency authorizes such agency to make investigations or inspections it may make the same as so authorized with or without notice. The final order or determination of any issue or case applicable to a particular person shall not be made except upon hearing and timely notice of the time, place and nature thereof. In matters not expressly covered by the notice requirement of this act, the agency shall provide the manner and form of notice by rule, provided, however, that in a case of emergency a temporary order may be made by such agency to be effective only until notice may be given and hearing had as herein provided."

And Section 23 of the Acts, same being Burns' 63-3023 reads as follows:

"Notwithstanding the provisions of this or other acts no agency shall be required to hold hearings when the parties in interest have failed to appear or answer a complaint or charge or other process."

Section 29 of the Act, same being Burns' 63-3029, reads as follows:

"Any agency within the provisions of this act shall have authority to make rules and regulations concerning practice and proceedings before such agency which are not in conflict with this act."

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In view of the fact that there is no irreconcilable conflict between the provisions of Chapter 80 of the Acts of 1951 and Chapter 365 of the Acts of 1947, it is my opinion that they should be construed together to form a total integrated pattern for adjudication before the board.

I have also examined forms which you attached to your letter of request and find that they are in conformity with the procedure outlined by Chapter 80, Acts of 1951 and Chapter 365, Acts of 1947.

OFFICIAL OPINION NO. 74

December 9, 1952.

Mr. Edwin Steers, Sr.,
Member, State Election Board,
108 East Washington Building,
Indianapolis, Indiana.

Dear Sir:

I have your request for an Official Opinion in which you ask when the Treasurer-elect of Shelby County is entitled to assume the duties of the office to which he was elected. A memorandum accompanying your request sets out the following fact situation:

“(1) For a number of years the Treasurers of Shelby County assumed office a year from the January after their election.

“(2) A Treasurer was elected in the general election of 1948, assumed office January 1, 1950, and resigned effective August 31, 1950. A treasurer was appointed at that time. This appointee was re-elected in 1950. The present Treasurer-elect was elected in the general election of 1952.”

I find that in 1948, the then Attorney General received a request for an Official Opinion on facts which are identical in all pertinent respects with the facts as outlined above and the then Attorney General ruled (1948 O. A. G. 75) that an