On the basis of these statutes, I feel that the problem presented by your request is substantially the same problem presented to the Attorney General in 1935 and, failing to find any reason for differentiating this situation, it is my opinion that the use of the terms listed in your letter would not be a violation of the Indiana statutes governing the practice of the profession of optometry.

OFFICIAL OPINION NO. 97

November 5, 1951.

Mr. William L. Fortune,
Treasurer of the State
of Indiana,
Indianapolis 4, Indiana.

Dear Sir:

Your request for an official opinion is as follows:

"At the request of the Indiana County Treasurer's Association, I would appreciate it if you could give me an official opinion on the following questions concerning the effect of the 4-year term Constitutional Amendment on the term of office of County Treasurers.

"1. How will it affect Treasurers-elect that are now waiting to take office in January, 1952, for their first term?

"2. How will it affect all Treasurers that will be up for re-election in November 1952?"
“3. How will it affect all Treasurers that began their second term January 1, 1951? Will they be eligible for re-election of one 4-year term?

“4. How could it affect all Treasurers taking office January 1, 1951, for the first term? Will they be eligible for a carry-over period of two years or will they run for office in 1952 for a 4-year term?”

Article 16, Section 1 of the Constitution reads as follows:

“All amendments or amendments to this Constitution may be proposed in either branch of the General Assembly; and, if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if, in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this constitution.”

In accordance with the foregoing provision of the Constitution, the following Resolution was adopted by the General Assemblies of 1949 and 1951, Chapter 337, Acts of 1951, page 1112, and reads as follows:

“Section 1. That the following proposed amendment to the Constitution of the State of Indiana, which was agreed to by the Eighty-sixth General Assembly and referred to this General Assembly for reconsideration and agreement, be agreed to by this, the Eighty-seventh General Assembly of the State of Indiana.

“Section 2. Section 2 of Article 6 of the Constitution of the State of Indiana is amended to read as follows: ‘Sec. 2. There shall be elected, in each county by the voters thereof, at the time of holding general elections, a clerk of the Circuit Court, Auditor,
Rec., Treasurer, Sherif., Coroner, and Surveyor. The Clerk, Auditor, Recorder, Treasurer, Coroner, and Surveyor shall continue in office four years; and no person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer, or Coroner more than eight years in any period of twelve years; Provided, That the Treasurer of each county re-elected at the general election in 1952 shall continue in office until January 1, 1957 and shall not be eligible for re-election to the office of County Treasurer at the general election in 1956.’”

If and when said Resolution is submitted to the voters in the general election of 1952 and adopted, then said amendment will have become effective. In this respect, your inquiry deals with a hypothetical state of facts. Assuming that said Amendment becomes effective as a part of the Constitution after the general election in November, 1952, I shall give you my opinion as to the correct answers for your questions.

1. Your first question pre-supposes that the officer was elected in the 1950 election but that his term was delayed until January, 1952. Since the amendment of 1952 could not take effect until November 1952, the term would be for a period of two years as controlled by the original provision of the Constitution. If the officer is a candidate for re-election in November, 1952, and is re-elected, then his term of office will begin in January, 1954. At this time the amendment will have taken effect and the term of office will be controlled by the amendment. The Proviso to the amendment reads:

“Provided, That the Treasurer of each county re-elected at the general election in 1952 shall continue in office until January 1, 1957 and shall not be eligible for re-election to the office of County Treasurer at the general election in 1956.”

Therefore, in my opinion the officer may serve until January 1, 1957, if re-elected in 1952.

2. This question concerns county treasurers re-elected in November, 1952. This question is answered by the answer to question (1). The officer may serve until January 1, 1957.
3. This question concerns county treasurers who first were elected in 1948 and re-elected in 1950 and now are beginning a second term of two years as of January, 1951. Since their terms of office begin under the original provision of the Constitution they may serve until January 1953. As they shall have served two two-year terms, then under the original provisions of the Constitution, in my opinion, they would be prohibited from serving more than four years in any period of six years. Should they be re-elected in 1956, then under the provisions of the amendment, in my opinion they would be entitled to serve terms of four years.

4. This question deals with county treasurers who were first elected for a term of two years in 1950. Should they be re-elected in 1952, then the answer would be the same as the answer to question number (1).

In my opinion, under such circumstances, the officers would be entitled to serve until January, 1957.

OFFICIAL OPINION NO. 98
November 2, 1951.

Honorable Bernard E. Doyle,
Chairman,
Indiana Alcoholic
Beverage Commission,
201 Illinois Building,
Indianapolis, Indiana.

Dear Sir:

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

"Will you please give me an opinion as to whether or not the holder of a drug store permit located in a town of less than 5,000 population may serve as a member of the town board?"

The statute concerning the issuance of drug store permits is section 6 of chapter 197 of the Acts of 1937, same being Burns 12-518, and reads in part as follows: