

OPINION 7

This Act seems clear and unambiguous in that it sets out the following requirements for the assignment of wages for the check-off of Labor dues.

First, it must be in writing;

Second, it must be signed by the employee;

Third, it must be revocable at any time by the employee upon written notice to the employer;

Fourth, such assignment must be agreed to in writing by the employer;

Fifth, an executed copy must be delivered to the employer within ten days after its execution;

Sixth, it must be made for the purpose of paying for dues *to become* owing;

Seventh, it must be to a Labor organization to which the Labor employee is a member.

These are the only requirements provided for in Section 40-214.

OFFICIAL OPINION NO. 7

February 10, 1950.

Honorable James M. Propst,
Auditor of State,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter requesting an official opinion upon the following:

“Does the Auditor of State have any obligation to attempt to enforce compliance by county auditors, township trustees or other local officials with the statute, or is it his duty to report non-compliance to any enforcement officer and if so, to what officer should he report?”

“Since several local officials have failed to submit the information required by statute, should the Auditor of State proceed to publish such information as he has, and to prepare maps with such information as he has?”

Enumeration of white and colored male inhabitants of the state every six years is called for by statute. Burns Revised Statutes 1933, Sections 65-601 to 65-625.

The statute (Section 65-612) further provides:

“The auditor of state shall, as soon as practicable after receiving the complete returns of the enumeration from all the auditors of the several counties of the state, make out and certify a tabular statement of the number of white male inhabitants, over the age of twenty-one (21) years, in each township and in each county of this state, and also the total number in the entire state, according to said returns so made by the several county auditors; which tabular statement the said auditor of state shall cause to be published, by one (1) insertion in each of the two (2) leading daily newspapers which may at the time be printed and published at Indianapolis; and he shall also submit the same tabular statement to the general assembly at the commencement of their next session after the making thereof. And he shall also, prior to the meeting of the general assembly, cause to be printed for the use thereof, three hundred (300) outline maps of the state, showing the relative size, shape, and position of each county; and within the outlines or boundaries of each county, as exhibited on the map, shall be printed the name of the county and the figures representing the number of white male inhabitants over the age of twenty-one (21) years therein, as shown by the said enumerations and returns; which maps shall be delivered to the president of the senate and speaker of the house of representatives, at the commencement of the session, for the use of the members, in the proportion of one hundred (100) for the senate and two hundred (200) for the house.”

A like requirement is imposed upon the auditor by Section 65-621, Burns, as to colored male inhabitants. These are the

OPINION 8

only obligations imposed upon the auditor by this enumeration "statute."

In my opinion, this enumeration statute imposes no duty upon the Auditor of State until after he has received the complete returns of the enumeration. Therefore, not having received a complete return, the time has not arrived for you, as Auditor of State, to advertise the results and prepare tabulations and maps and the other duties set out in said statute.

Section 65-616, Burns, makes the non-performance of the requirements of the Act a criminal offense. In my opinion this is a matter for the respective prosecuting attorneys of the state and there is no obligation on the part of the State Auditor to have this section complied with.

OFFICIAL OPINION NO. 8

February 21, 1950.

Honorable Charles F. Fleming,
Secretary of State,
State of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter requesting an official opinion from this office which reads as follows:

"Your official opinion is hereby requested with reference to the following questions:

"1. Are the words 'Forms prescribed by the Secretary of State' as used throughout the Indiana General Corporation Act, as amended, in connection with documents submitted to, approved by and filed with the Secretary of State in a certification of corporate acts and proceedings, to be construed as requiring the Secretary of State to promulgate written forms upon which corporate documents must be prepared, or, to be construed to promulgate written forms which may be used as guides for draftsmanship, but upon which such documents need not be prepared and submitted?"