Constitution. Therefore, you are advised that a person could be a member of the city council and at the same time not be disqualified to hold a State appointive position without in any wise violating the Constitution of Indiana. What has just been said answers your second inquiry because it follows that if the person is entitled to hold both positions referred to in your letter he is, of course, entitled to the emoluments thereof.

CHJ:vb

OFFICIAL OPINION NO. 7

February 28, 1949.

Mr. Walter R. Mybeck, Director
Public Works and Supply
404 State House
Indianapolis, Indiana

Dear Sir:

I have before me your letter of February 25, 1949, in which you say:

"The State of Indiana has been offered a proposition concerning a long term lease for public purposes of the Lorraine Hotel in Indianapolis. A comparable building is badly needed by the Conservation Department and other agencies scattered about the city.

"To use this building for office purposes would require the expenditure of approximately $300,000. In the instant case the lessor would expend a substantial part or all of the money necessary to conform to our Engineer's specifications if the State would enter into a lease agreement for twenty (20) years or more.

"Reference is made to the "Financial Reorganization Act of 1947", Chapter 279, Section 5 (4), which reads:

"'* * * (4) To rent land and other premises, with the approval of the Governor, when necessary for State purposes; provided, that no such land or premises shall be rented for a term exceeding four years at a time.'"

"We would like to be advised by way of an official opinion from your office as to whether there is any
We have examined Chapter 279 of the Acts of 1947 to which you refer and we are of the opinion that there is no provision in existing law or statutes that would permit the State of Indiana to lease real estate for a longer period than four (4) years.

There are but two (2) ways in which this could be accomplished:

1. Execute a lease for a period of four (4) years with an irrevocable provision that the same could be renewed successively at the option of the State. This plan will undoubtedly be rejected by the owner because he would not feel inclined to make the substantial expenditure referred to on a lease with such uncertain tenure. This method was employed in the lease of the Governor’s residence on Fall Creek in 1919; but that was before the enactment of the statute referred to and was a case which we understand did not require the owner to make any substantial expenditure to equip the building.

2. The other method is by an amendment to Section 5 of the Act referred to. Such amendment if adopted by the General Assembly would be clearly constitutional and could be accomplished by the addition of appropriate words to Subsection 4 of Section 5.

OFFICIAL OPINION NO. 8

February 28, 1949.

Hon. C. E. Ruston,
State Examiner,
State Board of Accounts,
State House, Room 304,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your request for an official opinion under date of February 9, 1949. Your request is as follows: