

only to the securities required by the act to be registered.

It is, therefore, my opinion that the securities in question need not be qualified under said act and that this is true whether said securities be regarded as being issued as a re-arrangement of capitalization or as a new issue.

OFFICIAL OPINION NO. 51

September 3, 1947.

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

Dear Sir:

I have your letter of July 30, 1947, in which you quoted a part of Section 3, Chapter 74, Acts 1931, which is Section 65-304, Volume II, Burns' 1933, and ask our opinion on the following questions:

"1. Does the administration and management of such park or playground lie jointly in the township trustee and the township advisory board?

"2. Does the phrase 'administration and management' include the creation of new positions such as assistant superintendent in the operation of such park or playground.

"3. If your answers to the first and second questions are in the affirmative, can the township advisory board appoint the individual who is to fill the newly created post or does such appointment lie solely within the authority of the township trustee."

Said section reads as follows:

"If there be in such township a public park or playground under the jurisdiction and authority of the township, it shall be the duty of the trustee and advisory board having charge of such public park or playground, to transact the business of the administration and management thereof only in open meet-

ing, at which the trustee shall preside and a member of the advisory board shall be selected to act as secretary. Complete minutes and records of all proceedings shall be kept, and it shall be unlawful to transact any such business in any other manner than as herein described. Such meetings shall be held when and as determined by such board and trustee. A complete record of receipts of such public park or playground, including all fees, concessions, licenses, permits and sales, shall be kept and shall be credited to and be a part of the general fund of such township."

The application of such section is limited to those townships "having one or more second class cities, and which are not county seats, wholly or partially contained therein, * * *" and "having any first class city located wholly or partially therein * * *" (Section 1, *supra*.)

It is noted that said section authorizes and makes it the duty of the trustee and advisory board having charge of a public park or playground under the jurisdiction and authority of such township to transact the business of the administration and management thereof only in open meetings, at which the trustee shall preside and a member of the advisory board shall be selected to act as secretary. Such section further provides that complete minutes and records of all proceedings of such meeting shall be kept. It is my opinion that by such provisions it was intended that all business concerning the administration and management of public parks and playgrounds under the jurisdiction and authority of such a township must be transacted by the trustee and advisory board acting as a board or body in open meetings; and that each member of the advisory board as well as the trustee would have one vote in the determination of all matters and questions arising concerning the administration and management of such public parks and playgrounds.

As to your second question it is my opinion that the phrase, "administration and management" as well as other provisions of said section authorize the trustee and the advisory board to employ a person and prescribe duties for him similar to those usually exercised by an assistant superintendent of a public park or playground; however, I do

not believe the Act gives them the authority to create such a position in such a way as to cause it to partake of the elements of a township public office.

As to your third question it is my opinion that the duty and authority to transact the business of administration and management of such public parks and playgrounds includes the authority to appoint and employ, within legal expenditure limits, persons to perform work and labor in the operation and maintenance of such public parks and playgrounds and the authority to so appoint and employ would lie in the trustee and advisory board acting as a board or body as outlined in the answer to your first question.

OFFICIAL OPINION NO. 52

September 5, 1947.

Dr. Carl A. Frech, D.D.S., Secretary,
Indiana State Board of Dental Examiners,
Gary National Bank Building,
Gary, Indiana.

Dear Mr. Frech:

Your letter of August 28, 1947 has been received requesting an official opinion on the following question:

“The question has arisen as to the status of dentists now in service relative to the payment of the annual renewal fee. Was any limitation put on the length of time that men in service were exempted from the payment of fees for renewal of state licenses?”

This question is controlled by the provisions of Chapter 31, Acts 1943 as amended by Chapter 87, Acts 1945, same being Appendix 5 (A) Burns' 1945 Supplement, Section 1 of Chapter 31 of the Acts 1943, which defines said Act as applicable to a large number of professional boards which are listed and which includes the State Board of Dental Examiners. It defines 'Military Service' as follows:

“'Military Service' means federal service in any branch of the armed forces of the United States, after