
Hon. Otto K. Jensen,  
State Examiner,  
Department of Inspection and Supervision of Public Offices,  
State House,  
Indianapolis, Indiana.  

March 22, 1943.  

Dear Sir:  

I am in receipt of your letter of March 19, 1943, requesting my opinion as to the proper interpretation to be placed upon the amendment of section 6 of chapter 233 of the Acts of 1933 as contained in chapter 273 of the Acts of 1943, and which reads as follows:  

"Provided, That in county seat cities of the third class no city treasurer shall be elected but in such cities the county treasurer shall act as city treasurer and perform all duties now provided by law for the office of city treasurer, except that in county seat cities of the third class which own and operate two or more municipal utilities, or a water and sewage disposal utilities, any such city may by proper ordinance of its common council, passed and adopted at any time prior to the first day of April of the year in which the election of city offices will be held, create the office of clerk-treasurer who shall be the city clerk at such time and who shall thereupon at once perform all the duties now provided by law for the office of city clerk and the office of city treasurer, and who shall receive the salary now provided for city clerk; * * *."  

Your questions are as follows:  

"1. Does the common council of any city of the third class which owns and operates two or more Municipal utilities, or a water and a sewage disposal utilities, have authority, at any time after the effective date of Chapter 273 of the Acts of 1943 (House Bill No. 283), to create the office of Clerk-Treasurer?"
"2. If your answer to the above question is in the affirmative, would the rights and duties of the county treasurer acting as city treasurer, terminate with the adoption of such ordinance?"

After a careful consideration of the language contained in the above quotation from chapter 273 of the Acts of 1943, it is my opinion that the city council is restricted to the year in which an election of city officials will be held in the matter of adopting an ordinance creating the office of clerk-treasurer and providing for the election of such city official, and that such statute does not authorize the common council of any city of the third class which owns and operates two or more municipal utilities, or a water and sewage disposal utilities, to create the office of clerk-treasurer at any time after the effective date of chapter 273 of the Acts of 1943.

In view of my answer to your first inquiry, it is not necessary to answer your second question.


March 24, 1943.

Mr. Otto K. Jensen,
State Examiner,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of March 19, 1943, in which you refer to Chapter 291 of the Acts of 1943 and submit for an official opinion two questions based upon the provisions of said chapter. The questions submitted are as follows:

"1. Do the provisions of Chapter 291 of the Acts of 1943 (House Bill No. 156), authorize the payment to incumbent deputy assessors of an increased compensation over that provided by law prior to the enactment of said Chapter 291?

"2. From what date will the compensation as fixed by the county council under the provisions of said Chapter 291, be effective?"

The Chapter referred to contains five sections.