seems to me that this language does not need any interpretation and that it speaks for itself.

Therefore, it is my opinion that the proper answer to your inquiry is that if the teacher inquired about who has already completed five (5) successive years as a school teacher is re-employed and again enters into a teacher’s contract for further service with the school corporation, such teacher becomes a tenure teacher and the new teaching contract would constitute an indefinite contract within the provisions of the statute.

STATE BOARD OF ACCOUNTS: Whether members of township advisory boards who were in office on the effective date of Chapter 133 of the Acts of 1943 are entitled to receive the compensation therein provided.

April 21, 1943.

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

Dear Mr. Jensen:

This will acknowledge receipt of your letter of April 16, 1943, asking my opinion as to the applicability of the provisions of Chapter 133 of the Acts of 1943 to members of the several township advisory boards of the state who are in office on the effective date of said Act.

Your question is as follows:

“1. Are the members of the several township advisory boards of the state, who are in office on the effective date of Chapter 133 of the Acts of 1943, entitled to receive the compensation as therein provided during their present term of office?”

In answering your question I call your attention to the following language of Chapter 133, Acts of 1943, reading as follows, to-wit:
"* * * to be paid to the members of the said advisory board at the rate of five dollars for each meeting of the advisory board, but not exceeding the sum of twenty-five dollars in any one year."

It is my opinion that the above language clearly establishes the intention of the Legislature to place the amount of salary to be paid to the members of the various township advisory boards of the state upon a per diem basis and not upon an annual salary.

It is well established by the decisions of the courts of last resort that the Legislature has the right to provide compensation for the various officers either upon an annual salary basis or upon a per diem basis. There is a well defined legal distinction between a salary and a per diem compensation for public officers.

Cowden v. Huff, 10 Ind. 83;
Seiler v. State ex rel., 160 Ind. 605;
State ex rel. Ward v. Henry, Ala., 139 Southern 278.

Applying the above rule to the specific language contained in Chapter 133, Acts of 1943, it is my opinion that the same applies to members of the several advisory boards of the state who were in office on the effective date of said Act, and that such members of said advisory boards are entitled to receive the compensation as provided in said Act during their present term of office. For the same reason it is my opinion that Chapter 133 of the Acts of 1943 does not violate the provisions of Section 2 of Article 15 of the Constitution of Indiana.