

STATE SUPT. OF PUBLIC INSTRUCTION: County Superintendent: Whether county superintendent in a county with a population of 21,787 may appoint an assistant without the approval of the board of commissioners.

September 15, 1941.

Hon. Clement T. Malan,
State Supt. of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Mr. Malan:

I have before me your letter in which you state, in part, as follows:

“A county board of education, consisting of township trustees, in a certain county appointed and fixed the salary of an assistant to the county superintendent—the salary to be \$675 per year. The county commissioners refused to make the appropriation for the \$675.”

You state further that the county in which the controversy has arisen has a population of 21,787, according to the 1940 census. You submit the following question:

“Is their decision a discretionary one or must they make the appropriation when the county board of education, consisting of township trustees, fixes the salary?”

The applicable statute seems to be the June, 1941, Cumulative Pocket Supplement of Burns' Indiana Statutes Annotated, 1933, and the section is Section 49-1002. This Section provides in part as follows:

“In counties having a population of fifteen thousand and one (15,001) and not more than twenty-five thousand (25,000) according to the last preceding United States census, each of the following officials shall be entitled to designate and appoint one (1) deputy whose salary shall be paid by the county, to-wit: The county auditor; the county treasurer; the clerk of the circuit court; Provided, however, in counties having two (2) or more courts, located therein, the clerk of

the circuit court shall be allowed to appoint at least one (1) deputy for each of said courts; the county sheriff; and the county recorder. The salary of each of said deputies shall not be less than seventy-five dollars (\$75.00) per month nor more than one hundred twenty-five dollars (\$125.00) per month. * * *

It is obvious from the foregoing that no absolute right to appoint a deputy resides in the county superintendent in counties where the population is less than 25,000.

As will be observed in the next literary paragraph of the above Section, where the population of the county is in excess of 25,000 the county school superintendent does have the right to appoint a deputy, without the approval of the board of county commissioners.

Your question is answered, therefore, that there is no mandatory duty upon the board of county commissioners to pay the salary of such a deputy in the case submitted, unless the number of deputies has their approval.

MOTOR VEHICLES, BUREAU OF: Registration of school busses, same to be required annually.

Schools: Requirement as to registration of school busses.

September 17, 1941.

Mr. R. Lowell McDaniel,
Bureau of Motor Vehicles,
State House,
Indianapolis, Indiana.

Dear Sir:

This is in response to your request for an opinion further interpreting the School Bus Registration Act of 1941. Your questions are as follows:

“How long will the school bus plates purchased in 1941 be valid?”

“Will they expire the last day of February, 1942, as other license plates, or will they expire the last day of December, 1941?”