men. Coupled with this liability is likewise a statutory liability for medical, surgical, hospital and nurse expenses, as defined by Section 1, ch. 214, Acts 1937.

In view of the foregoing, it is my opinion that a city would be liable for medical and hospital expenses of such employees as policemen and firemen, and that in view of such contingent liability, the city can properly appropriate and expend money for such expenses. The answers to your two questions are accordingly in the affirmative.

PENSION FUNDS: Policemen and Firemen's, subject to public depository laws.

Library Funds: Subject to public depository laws.

Public Deposits: Insurance Fund Act applicable to policemen and firemen pension funds and library funds.

August 19, 1940.

Mr. Lytle J. Freehafer, Secretary,
State Board for Depositories,
238 State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter wherein you ask for an opinion as to whether or not policemen and firemen pension funds and library funds come under the Public Deposits Insurance Fund Act of 1937. (Section 61-622 seq., Burns' Indiana Statutes Annotated—Supplement 1940). Section 1 of the above act defines "public funds" to mean "all funds coming into the possession of any local officer by virtue of such office, but shall not mean nor include funds coming into the possession of any public officer which are not impressed with a public interest nor designed for a public use." (Section 61-622 (e) Burns, etc.) Section 36 of Public Deposits Insurance Fund Act is as follows:

"Notwithstanding any other law of this state providing for the supervision, management and control of any public funds of the state or any municipal corporation, hereafter all public funds shall be under the jurisdiction and supervision of the appropriate board
of finance created by this act and shall be deposited and kept under and pursuant to the terms of this act and to the order and direction of said board of finance."

Section 61-657—Burns, etc.

In passing upon a similar question involving receipts from the operation of the gas system by the Board of Directors for utilities in the City of Indianapolis, it was said in an official opinion of the Attorney General dated May 6, 1937:

"It seems to have been the intent of the Legislature to bring within the terms of the 1937 Act all monies that are 'impressed with a public interest' or 'designed for a public use' that come into the hands of any public officer by reason of his official capacity."

There can be no question but that the monies in each of the funds about which you inquire are "impressed with a public interest" and "designed for a public use". The authority to levy taxes, conferred by the General Assembly, for the benefit of policemen's and firemen's pension funds and for the operation of public libraries is based upon the indisputable fact that a public interest is being served in the use of such monies. That the General Assembly held this view is apparent from the following language of the 1937 Firemen's Pension Fund Act: "The firemen's pension fund shall be deemed to be a public fund as defined in, and shall be subject to all of the provisions of Chapter 70 of the Acts of the General Assembly of 1935, or any Act subsequently enacted providing for the deposit and safe guarding of public funds". (Section 48-6533 Burns', etc., 1940.)

The Public Deposits Insurance Fund Act does not repeal the investment provisions of the policemen's and firemen's pension fund acts but is supplementary thereto and has the effect of requiring that monies belonging to said funds and held as current checking balances, pending disbursement to proper beneficiaries or to proper investment purposes under the pension fund laws, shall be deposited in accordance with the Public Deposits Insurance Fund Act and shall be entitled to the protection afforded by that act.
Similarly, library funds shall be deposited by the officer receiving same in accordance with the terms of the Public Deposits Insurance Fund Act.

**ELECTIONS:** Whether ballot for President and Vice-President should be separate from the ballot for other candidates.

**Ballots:** Whether ballot for President and Vice-President shall be separate and distinct from ballot for other officers.

August 19, 1940.

Indiana State Board of Election Commissioners,  
State House,  
Indianapolis, Indiana.

Gentlemen:

I have a letter of August 13, 1940, signed by the Indiana State Board of Election Commissioners, by Edwin H. Smith, a member of said Board, presenting the following question:

"Should one ballot be used containing the names of candidates for both National and State tickets or should two ballots be used, one carrying the National ticket and the other the State ticket?"

In my judgment, two ballots should be used, one carrying the National ticket and the other the State ticket. The legislature of 1933 passed an Act, being chapter 92, page 660, amending an Act approved February 23, 1897 and March 13, 1919. The amendment of 1933, in part, is as follows:

"Section 1. That the Board of Election Commissioners of the State of Indiana shall cause the names of all candidates for electors for president and vice-president of the United States to be printed on one ballot, in such manner as the laws of Indiana may provide, and the names of all other candidates for whom all the electors are entitled to vote, to be printed on another ballot."