PUBLIC INSTRUCTION, DEPT. OF: Traveling expenses—whether 1933 general assembly repealed law giving county school superintendents $300.00 traveling expenses.

Hon. Grover Van Duyn, March 29, 1933.
Assistant State Superintendent,
Department of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have before me your inquiry of March 24 in which you propound the following question:

"Does the salary law pertaining to county officers as enacted by the 1933 general assembly, repeal the law giving county superintendents of schools three hundred ($300.00) dollars traveling expenses as enacted in 1911 and amended in 1921?"

I assume that your reference to the Salary Act of 1933, had to do with Senate Enrolled Act No. 225, being Chapter 21 of the Acts of 1933.

I have examined the act and find that under the provisions of section 16 thereof, the act is to be considered as an independent act and not supplemental to any law now in force. I find in section 1 of the act that none of the county officers referred to in the act, which includes the office of county school superintendent, is to receive any "other compensation, fee, per diem, percentum or other remuneration whatsoever except as otherwise provided in this act."

Section 14 of the act provides:

"The salaries of the county superintendent as herein stipulated may be increased upon written request of a majority of the township trustees to the county council, who may increase such salary to an amount which, in the judgment of the county council, may seem proper."

It is my opinion, therefore, that the provision of section 3 of Chapter 54, of the Acts of 1921, providing for traveling expenses not to exceed three hundred ($300.00) dollars per annum for the county superintendent is no longer in force. Unless the county council deems it proper, under the provisions of section 14 of the Act of 1933, supra, to increase the salary of the county superintendents in the various counties as fixed in the 1933 act, no traveling expenses could be charged or collected by the respective county superintendents in this state.