The portion of the Teachers' Retirement Fund Law which you quote is found in section 6991, Burns Annotated Indiana Statutes, Revision of 1926. Certainly, the five years service rendered by Miss Knabe as a teacher in Berlin, Germany, falls within the language of the statute which gives your board, in computing years of service, the discretion to include "service * * * rendered outside of the state." (Our italics.) Although the legislature very easily could have limited the operation of this provision, territorially, by adding the words "and within the United States" or other words of limitation, no such words were added. Neither is there anything in the purpose or operation of the law, or in the other provisions of the act, that would tend to show an intention on the part of the legislature to limit this particular provision to teaching service in certain states or in certain countries.

In view of the plain language of the act, it is my opinion that your board "may" grant Miss Knabe credit for her five years' teaching service in Germany, provided she makes all arrearage or other payments required by the act.

ADJUTANT GENERAL: Body having power to control municipally owned public utilities in the city of Crawfordsville.

July 6, 1933.

General Elmer F. Straub,
The Adjutant General,
State of Indiana.

My dear General Straub:

I have before me your recent inquiry presenting this question:

"In what body is vested, in view of the recent enactments of the state legislature, the power to control municipally owned public utilities in the city of Crawfordsville?"

Section 11132 Burns Annotated Indiana Statutes, 1926 Revision, provides that the custody, management and control of all electric light works owned and operated by any city of the fourth class shall be wholly in the province of the board of public works of such city. Crawfordsville is a city of the
fourth class. This was modified by chapter 56, Acts of 1923 (Burns 10264), which provides that a city council may abolish the board of public works, and the duties, therefore, conferred on the board of public works was then to vest in the common council. The city of Crawfordsville elected to proceed under the 1923 act and for several years has done so.

Chapter 190 of the Acts of 1933, page 928, specifically transfers the control of municipally owned public utilities to the common councils of the several cities and towns of Indiana. This act carried an emergency clause and was in effect from and after the date of its approval, March 8, 1933.

Your letter points out that under the provisions of section 7 of chapter 233 of the Acts of 1933, page 1042 at 1046, a "board of public works and safety" is to be appointed and:

"The duties of the board of public works and of the board of public safety as now provided by law shall be performed by a board to be known as the 'board of public works and safety,' which shall be composed of the mayor, the city attorney, and the city civil engineer."

We respectfully direct your attention to the phrase "as now provided by law." On the day that chapter 233 was adopted (on March 9, 1933), chapter 190 was in full force and effect and hence in cities operating municipally owned public utilities, the board of public works was not possessed of any rights or duties over such municipally owned public utilities, the same having been transferred to the common council; hence, such control of municipally owned utilities could not have been transferred to the various boards of public works and safety as a "duty of the board of public works * * * as now provided by law."

I submit then that the power to control municipally owned public utilities in the city of Crawfordsville rests in the common council of that city.