Mr. Richard L. Worley  
State Examiner  
State Board of Accounts  
912 State Office Building  
Indianapolis, Indiana  

Dear Mr. Worley:

This is in response to your letter of recent date, requesting an Official Opinion as to whether the governing body of any town which has established and is operating a sewage disposal plant pursuant to the Acts of 1932 (Spec. Sess.), ch. 61, Burns IND. STAT. ANN., §§ 48-4301—48-4324, may invest sewage funds in accordance with Acts of 1965, ch. 357, Burns IND. STAT. ANN., (1965 Supp.), § 48-7241. Your letter further inquires as to whether, if the answer be in the affirmative, the cumulative building and sinking funds established pursuant to Acts of 1949, ch. 149, Burns IND. STAT. ANN., § 48-4334, as amended, and Acts of 1961, ch. 239, Burns IND. STAT. ANN., § 48-3944, may be invested in the same manner.

Chapter 357 of the Acts of 1965, Burns IND. STAT. ANN., (1965 Supp.), § 48-7241, states as follows:

"SECTION 1. The governing body of any town operating one or more utilities may, by ordinance or resolution, authorize officers charged by law with custodial care, expenditure, and investment of town utility monies to invest or reinvest surplus monies of any such utility in savings deposits or time certificates of deposit but in amounts of not to exceed ten thousand dollars ($10,000.00) for any single account, investment or reinvestment and for such period of time as the governing body of the town may determine.

"Any interest or other accretions derived from the investments shall become a part of the funds invested: Provided, That all laws governing the accumulation of depreciation or other reserve funds, and bond payment reserve funds shall remain in full force: Provided further, That all savings deposits and time certificates
of deposit transactions shall be governed by and in compliance with the public depositories laws of Indiana, except that interest derived from the investments shall become a part of the funds invested and will not become a part of the general fund of the State of Indiana."

Any sewage disposal plant which has been established and is operating pursuant to Burns §§ 48-4301—48-4324, clearly qualifies for the provisions set forth in the Acts of 1965, ch. 357, § 1.

Section 1, ch. 357 of the Acts of 1965, Burns IND. STAT. ANN., (1965 Supp.), § 48-7241, expressly authorizes the investment or reinvestment of "surplus monies" of any utility. Operating funds, bond and interest redemption funds, cumulative building and sinking funds are such funds which qualify for the provisions of the Act.

Whether a particular fund qualifies for the provisions of this Act depends upon whether a surplus exists within the fund. The purpose for which the fund was created or the name bestowed upon it is immaterial.

Therefore, the answer to both of your questions is in the affirmative.

OFFICIAL OPINION NO. 48
October 15, 1965

Hon. John D. Bottorff
Secretary of State
201 State House
Indianapolis, Indiana

Dear Mr. Bottorff:

This is in response to your letter of recent date requesting an Official Opinion as to whether the owner of a collection agency, with the collection agency license in his name may make a valid assignment of the license to another person.

Collection agencies are subject to regulation in this state and must have a license to operate. Ind. Acts of 1937, ch. 92,