OPINION 9

(b) said utility funds may not be invested in a building and loan company; and

(c) the Act contemplates as many investments as are possible from the surplus funds for investment purposes, with the sole limitation that each investment must not exceed ten thousand dollars.

OFFICIAL OPINION NO. 9

May 7, 1965

Hon. Richard C. Bodine, Speaker
Indiana House of Representatives
208 First National Bank Building
Mishawaka, Indiana

Dear Mr. Speaker:

This is in reply to your request for an Official Opinion which reads as follows:

[H.B. 1190]*

"The title of the above captioned Bill is as follows: 'A Bill for an Act to amend an Act concerning township assessors, county assessors and township trustees when acting as assessors, their deputies and other employees and their salaries, wages, compensations and per diem.' (Emphasis added.)

* * *

"Could you render us an opinion as to whether this Act applies to persons in the office of the County Assessor, when acting as assessors, who are deputies or other employees of the County Assessor."

House Enrolled Act No. 1190, 1965, titled "An Act to amend an Act concerning township assessors, county assessors and township trustees, their deputies and other employees and their salaries, wages, compensations and per diem," (emphasis added) is an amendment to Acts of 1949, ch. 245, § 4, as amended by Acts of 1957, ch. 211, § 1, as found in

* Our insert.
Burns IND. STAT. ANN., § 64-1354. The body of this 1949 Act concerns the salaries of township assessors, deputies and employees only.

The 1949 Legislature also enacted under Acts of 1949, ch. 246, as found in Burns IND. STAT. ANN., §§ 49-1029 to 49-1045, similar legislation covering salaries of county assessors, their deputies and other employees.

While the title of the 1949 Act concerning township assessors and deputies also refers to county assessors, no further reference is made in the body of the Act to county assessors and each and every section refers only to township assessors or their deputies or their employees.

Acts of 1949, ch. 246, covering salaries of county assessors and deputies was repealed by Acts of 1963, ch. 103, § 49, as superseded by Acts of 1957, ch. 319, titled “An Act concerning the compensation, fees and travel allowances to be paid certain county officers” as found in Burns IND. STAT. ANN., §§ 49-1053 to 49-1069.

The enacting of separate statutes by the 1949 Legislature under Acts of 1949, ch. 246, covering salaries of county assessors and deputies, and Acts of 1949, ch. 245, covering township assessors, and their deputies indicates a clear intention that the county assessors, deputies and employees were not intended to be included in the reference to township assessors, their deputies and their employees.

Therefore, in answer to your question, it is my opinion that House Enrolled Act No. 1190, being Chapter 180, Acts of 1965, does not apply to persons in the office of the county assessor, when acting as assessors or who are deputies or other employees of the county assessors.