

1963 O. A. G.

City of Lafayette v. Keen (1943), 113 Ind. App. 553,
48 N. E. (2d) 63;

1959 O. A. G., page 328, No. 64, *supra*;

1960 O. A. G., page 18, No. 2, *supra*.

Therefore, in answer to your question, it is my opinion that the provisions of Burns' 48-1233, subsection (b), *supra*, apply only to appointive officers, deputies and employees within the executive and administrative branches of the city and do not control salaries of employees within the judicial branch of the city performing solely judicial activities. However, this opinion should not be construed as implying that a city judge has the authority to employ personnel without specific statutory authority.

OFFICIAL OPINION NO. 43

September 18, 1963

Hon. Wilfrid J. Ullrich
State Senator
403 Main Street
Aurora, Indiana

Dear Senator Ullrich:

In your letter of September 9, 1963, you request an Official Opinion as to whether or not under Chapter 355 of the Acts of 1963, the library board of a public library (not a school library) could grant a vacation with pay, and paid holidays, to hourly employees of such public library.

Acts 1963, Ch. 355, Sec. 1, as found in Burns' (1963 Supp.), Section 49-4101, provides:

"Retroactive to January 1, 1963, employees of the state of Indiana who are compensated for their services on an hourly basis may be granted a vacation with pay and paid holidays by executive order of the governor, and employees of the political subdivisions of the state may be granted a vacation with pay and paid

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holidays by ordinance of the common council of a city or by the controlling board of a municipally owned utility, board of county commissioners of a county, town board of a town, or advisory board of a township, or the board of directors or regents of a cemetery.”

Had the statute stopped after the language authorizing boards of political subdivisions to make provision for such holidays, the answer would be in the affirmative. However, the Legislature went on to specify the particular kind of boards and agencies which could do so. They did not name the board of trustees of a library district and I am therefore of the opinion they could not grant such a vacation under said statute, without an amendment to the statute.

OFFICIAL OPINION NO. 44

September 19, 1963

Hon. Joe Bruggenschmidt
State Representative
R. R. No. 1
Tell City, Indiana

Dear Representative Bruggenschmidt:

Your letter of September 11, 1963, has been received and reads as follows:

“Located within the civil limits of Troy Township, Perry County, Indiana, are the Tell City School Corporation, the Cannelton School Corporation and the Metropolitan School District of Troy Township.

“Traditionally, the Metropolitan School District of Troy Township has provided transportation for students attending the public elementary schools of the Tell City Corporation. The question now arises that this practice may be in violation of the laws of the State of Indiana.