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nal sexual psychopaths committed subsequent to that date. However, it should be remembered that under the provisions of Acts of 1959, Ch. 356, supra, the responsibility for the payment of the costs of care and maintenance of such persons who are committed initially for a period of not to exceed sixty (60) days rests in the county in which the committing court is located.

OFFICIAL OPINION NO. 31

August 5, 1960

A. C. Offutt, M. D., Commissioner
Indiana State Board of Health
1330 West Michigan Street
Indianapolis 7, Indiana

Dear Dr. Offutt:

This is in response to your request of July 22, 1960, for an Official Opinion concerning the authority to fix the salaries of officers and employees in full-time local health departments, and more especially, joint city-county full-time health departments. You ask specifically what effect the passage of Acts of 1959, Ch. 107, has with respect to such authority, and whether the Acts of 1959, Ch. 107, conflicts with 1959 O. A. G., page 19, No. 4.

The Acts of 1959, Ch. 107, supra, was an act which amended and added to the Acts of 1933, Ch. 233, a general act concerning the classification and government of civil cities. Section 6, subsection (b) of the Acts of 1959, Ch. 107, as found in Burns' (1959 Supp.), Section 48-1233 (b), added a new section numbered 20a to the Acts of 1933, supra, which reads in part as follows:

"(b) The salaries of each and every appointive officer, employee, deputy, assistant and departmental and institutional head shall be fixed by the mayor subject to the approval of the common council: * * * *." 

In 1959 O. A. G., page 328, No. 64, I was asked to examine Ch. 107 of the Acts of 1959, supra, and give my conclusions with respect to the authority of the mayor to fix salaries of
appointed officers and employees of various city departments operating under special acts enacted subsequent to the passage of Acts of 1933, Ch. 233, supra. In this Opinion I made the following comment (pp. 333, 334):

"In the recent case of State of Indiana et al. v. LaRue's Inc., et al. (1958), — Ind. —, 154 N. E. (2d) 708, our Supreme Court held that in the absence of an expressed intention to the contrary, the specific provisions of an act will prevail over the general provisions of a subsequent act with relation to the same subject matter unless the two statutes are irreconcilably inconsistent. * * *

"Inasmuch as the situations presented in subsections (b) and (c) involve special acts while the provisions in Burns' 48-1222, supra, and 48-1233, subsection (b), supra, concerning the fixing of salaries are contained in a general act, it is my opinion that the salaries in question are fixed pursuant to the special acts involved * * *"

It should be noted at this point that the specific duty of fixing compensation of all officers and employees of full-time local health departments is given to the board of such departments. The Acts of 1949, Ch. 157, Sec. 628, as found in Burns' (1949 Repl.), Section 35-829, provides as follows:

"The board of each full-time local health department shall prescribe the duties of all officers and employees. It shall fix compensation of all officers and employees."

This provision also applies to a joint city-county full-time health department by virtue of Acts of 1949, Ch. 157, Sec. 618, as found in Burns' (1949 Repl.), Section 35-819. This section states in part:

"* * * Said board (board of health of a joint city-county full-time health department) shall have the power and duties herein prescribed for full-time health boards."

Inasmuch as the various health departments in question were created by a special act passed subsequent to Acts of
1933, Ch. 233, supra, and such special act provides that the board of such health department shall fix the compensation of all officers and employees, it is my opinion based on the authorities as cited in 1959 O. A. G., page 328, No. 64, supra, that said boards have the authority to fix the compensation of all officers and employees of such departments, and the provisions of Acts of 1959, Ch. 107, supra, do not affect this authority.

Your letter also makes reference to 1959 O. A. G., page 19, No. 4. However, this Opinion concerned the power to fix the compensation of all officers and employees of a county full-time health department. Therefore the Acts of 1959, Ch. 107, supra, which deals solely with cities could have no effect upon the conclusions set out in that Opinion.

OFFICIAL OPINION NO. 32

August 12, 1960

Hon. William E. Wilson
State Superintendent of Public Instruction
227 State House
Indianapolis 4, Indiana

Dear Mr. Wilson:

Your letter of July 29, 1960, has been received and reads as follows:

"Vincennes University has applied to the Commission on General Education to share, on a matching basis, the benefits of Federal Funds provided under Title III of P. L. 85-864, 1958 for the improvement of Instruction in Science, Mathematics and Modern Foreign Languages. Their project application is in proper form, and is signed by the proper officials. A copy of this project application is attached for your information.

"The Commission on General Education in considering this application has raised two questions on which your opinion is requested:

"First, is Vincennes University essentially and actually a publicly supported and publicly controlled institution? That is, does it come under