

additional compensation for such additional services any of such directors may perform for the corporation.

SEC. 3. Section 5 of the above entitled act is amended to read as follows: Sec. 5. Section 26 of the first above entitled act is amended to read as follows: Sec. 26. Articles of Amendment. Upon the proposal and adoption of any amendment to the articles of incorporation, there shall be executed and filed, in the manner hereinafter provided, articles of amendment setting forth the following:

(a) The amendment so adopted;

(b) The manner of its adoption and the vote by which it was adopted;

(c) If the total authorized amount or number of shares is increased by such amendment, a statement of the shares theretofore authorized and a statement of the additional shares authorized by the amendment;

(d) If the total authorized amount or number of shares is reduced by such amendment, a statement of the shares theretofore authorized and the amount thereof that has been issued, and a statement of the reduction authorized by the amendment and the manner in which the reduction shall be effected; and

(e) If any change is made in the shares without increasing or reducing the total authorized amount or number of shares, a statement of the shares theretofore authorized and the amount thereof that has been issued, and a statement of the change to be made by the amendment and the manner in which the change shall be effected.

Upon the adoption of any amendment, a corporation may file amended articles in the office of the secretary of state in lieu of the aforesaid articles of amendment. The amended articles, which may differ from the theretofore existing articles in the respects authorized by the resolution of amendment, shall contain a statement that they supersede and take the place of the theretofore existing articles of the corporation, and shall also contain all the statements required by this act to be included in original articles. In lieu of stating the amount of capital with which the corporation will begin business, the amended articles shall state the amount of its capital at the time of filing the amended articles.

In lieu of stating the total number of shares into which its authorized capital stock is to be divided, together with

a description of the par value thereof, and the classes, voting rights and powers of such shares, the amended articles shall state the total number of shares into which the authorized capital stock is divided, together with the description of the value, classes, voting rights and powers of such stock at the time of filing the amended articles.

In lieu of stating the names and post office addresses of the first board of directors in amended articles, the amended articles shall state the names and post office addresses of the directors holding office at the time of the adoption of the amended articles. In lieu of stating the names and addresses of the incorporators in amended articles, the amended articles shall state the names and addresses of the president or vice-president and secretary or assistant secretary of the corporation.

The articles of amendment or amended articles shall be prepared and signed in triplicate, in the form prescribed by the secretary of state, by the president or a vice-president and the secretary or an assistant secretary of the corporation, and acknowledged before a notary public by the officers signing the same, and shall be presented in triplicate to the secretary of state at his office, accompanied by the fees prescribed by law.

SEC. 4. Section 17 of the above entitled act is amended to read as follows: Sec. 17. The first above entitled act is amended by adding thereto a new section to be numbered 12a to read as follows: Sec. 12a. The capital of the corporation may be increased from time to time, or at any time, by resolution of the board of directors directing that all or any part of the net profits, earned surplus, surplus paid in cash, or surplus due to unrealized appreciation or revaluation of assets, or otherwise, be transferred to capital. The board of directors may direct that the amount of the surplus so transferred shall be deemed to be stated capital in respect to any designated class of shares.

SEC. 5. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

CHAPTER 20.

[S. 23. Approved February 23, 1953.]

AN ACT authorizing the board of county commissioners to establish county dumps, empowering the county councils of the State of In-

diana to appropriate funds in order to acquire, operate and maintain county dumps.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. The board of county commissioners of every county in this state shall have the power to establish, maintain and operate within their respective counties, county dumps and all other works or appurtenances connected therewith necessary or useful and convenient for the disposal in a sanitary manner of domestic and industrial wastes, trash, and refuse. The county council of every county in this state shall have the power and authority to make appropriations for the establishment, maintenance and regulation of any such premises in accordance with estimates and recommendations as to the amounts of such appropriations submitted to them in accordance with the provisions of section 19 of an act entitled "An Act concerning county business," approved March 3, 1899.

SEC. 2. The appropriation or appropriations made by any county council in accordance with the provisions of this act may be made for the acquisition, operation, and maintenance of the premises upon which such dumps are established, including the employment of a person or persons and such vehicles and equipment which may be necessary or incidental thereto, not however, for the collection of industrial waste, trash, and refuse by the county. Such premises so maintained may be upon lands owned by the county or by any city within such county or they may be operated or maintained on lands which are privately owned and which are leased, rented, donated or purchased for that purpose.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

CHAPTER 21.

[S. 49. Approved February 23, 1953.]

AN ACT concerning public libraries, legalizing certain actions taken pursuant to the Library Law of 1947.

WHEREAS, there are two types of county libraries, independent county libraries, and county libraries receiving service from public libraries and

WHEREAS, certain provisions of the Library Law of 1947 which were intended to provide a specific system of organization for libraries of the latter type coming under its provisions are not clear: Therefore

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. The public library boards of all county libraries accepting the provisions of the Library Law of 1947 and now operating with public library boards composed of the members of the library board of the public library extending service to the county or to the county library district and four additional members, two to be appointed by the county commissioners and two by the county superintendent of schools under the conditions and for the terms provided for such appointments in section 11 of the Library Law of 1947, are hereby legalized and said libraries shall continue to operate as if such board had been regularly authorized by the Library Law of 1947 and all acts heretofore done by said board are to be considered as having been done by a regularly constituted library board of a public library.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act it shall be in effect from and after its passage.

CHAPTER 22.

[S. 75. Approved February 23, 1953.]

AN ACT concerning Vincennes University and prescribing certain powers and duties of the trustees thereof, and declaring an emergency.

WHEREAS, the ordinance adopted by the Continental Congress for the government of the territory of the United States, northwest of the river Ohio, on July 13, 1787, provided that: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged;" and

WHEREAS, the Congress of the United States by an act approved March 26, 1804, directed the Secretary of the Treasury to set apart a township of public land in the land district of Vincennes, Indiana for the use of a seminary of learning therein; and

WHEREAS, the Secretary of The Treasury of the United States did, on October 10, 1806, designate Township 2, south of the base line in the eleventh range, west, of the Vincennes district (containing 23,040 acres in what is now Gibson County, Indiana for the use of a seminary of learning to be established in said district; and

WHEREAS, the First General Assembly of the Indiana Territory, by an act approved November 29, 1806, incorporated the Vincennes University to become the recipient of said federal land grant; and

on any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in subsection (b):

1. At least three flares or three electric lanterns each of which shall be capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at nighttime.

Each flare (liquid burning pot torch) shall be capable of burning for not less than twelve hours in six miles per hour wind velocity and capable of burning in any air velocity from zero to forty miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operating continuously for not less than twelve hours and shall be substantially constructed so as to withstand reasonable shock without breakage.

2. At least three red-burning fusees unless red electric lanterns are carried.

Every fusee shall be made in accordance with specifications of the Bureau of Explosives, New York, and so marked and shall be capable of burning at least fifteen minutes.

In lieu of the requirements contained in Section 1-1, three red emergency reflectors may be used as emergency warning devices.

Each red emergency reflector shall be comprised of a multiplicity of red reflecting elements on each side—not less than two—front and back, every one of which red reflecting elements shall conform as a minimum requirement to the specification herein: The aggregate candlepower output of the reflecting elements of the device when tested in the perpendicular position at one-third degree as specified by SAE photometric procedure shall be not less than twelve.

If the reflecting surfaces of reflector elements would be adversely affected by dust, soot, or other foreign matter, they shall be adequately sealed within the body of the units in which they are incorporated. Each reflector device shall be of such weight and/or dimensions as to remain stable and stationary when in a 40 M. P. H. wind on any road

surface on which it is likely to be used and shall be so constructed as to withstand reasonable shock without breakage. Each reflector device shall be so constructed that the reflecting elements shall be in a plane perpendicular to the plane of the roadway when placed thereon.

Reasonable protection shall be afforded each reflector device, and the reflecting elements incorporated therein by enclosure in a box or rack from which the three devices readily may be extracted for use. In the event the reflector devices are collapsible, locking means shall be provided to maintain the reflecting elements in effective position, and such locking means shall be readily capable of adjustment without the use of tools or special equipment.

(b) No person shall operate at the time and under the conditions stated in subsection (a) any motor vehicle used in the transportation of inflammable liquids in bulk, or transporting compressed inflammable gases unless there shall be carried in such vehicle three red electric lanterns meeting the requirements above stated and there shall not be carried in any such vehicle any flares, fusees or signal produced by a flame.

CHAPTER 80.

[H. 30. Approved March 7, 1953.]

AN ACT authorizing the board of commissioners of any county to adopt ordinances for the protection of public health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. (a) When used in this act the term "garbage" shall mean and include rejected food wastes including every waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(b) The term "rubbish" shall mean and include such matter as ashes, cans, metalware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind.

(c) The term "closely built-up areas" shall mean and include any areas situated outside the corporate limits of any city or town upon which areas are located either residential or business buildings: Provided, however, That it

shall not include any tract of land, situated outside the corporate limits of any city or town, consisting of ten acres or more and upon which tract of land is located only one building which building is used for residential purposes: Provided further, That it shall not include any tract of land situated outside the corporate limits of any city or town which tract of land is used for farming or agricultural purposes.

(d) The term "food establishments" shall mean and include any establishment where food or drink for human consumption is prepared, offered for sale or sold at wholesale or retail: Provided, however, That it shall not include any establishment where food or drink, except raw milk or raw cream, is sold or offered for sale at retail, which food or drink has been grown or produced by the owner of the establishment.

SEC. 2. For the protection of public health the board of commissioners of any county, in addition to its other powers, shall have the power and authority to enact and adopt ordinances to regulate and establish minimum sanitary standards for the operation of food establishments not in conflict with the state law or the regulations of the state board of health. Such ordinances may provide that operational permits may be granted to food establishments, to be issued by the county board of health or by the duly appointed health officer of the county, to those establishments not already licensed for operation by the State Board of Health. Such ordinances shall not be effective in any city or town that maintains a full or parttime health department: Provided, however, That any such city or town may elect by ordinance to come within the provisions of such ordinances. Such ordinances shall provide that no person, firm or corporation shall operate a food establishment situated outside the corporate limits of any city or town, unless the owner and/or operator thereof shall secure a permit to operate the same. Such ordinances shall provide that no operational permit shall be issued to any food establishment until the establishment has been properly inspected and has been found by the inspector to be in compliance with the provisions of the ordinance. Such ordinances shall provide that any person, firm or corporation who shall violate any provision of

the ordinance shall be guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and each subsequent offense by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period of not exceeding ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the county board of health, or by the duly appointed health officer of the county, shall constitute a distinct and separate offense.

SEC. 3. For the protection of public health, the board of commissioners of any county, in addition to its other powers, shall have the power and authority to adopt and enact ordinances to require persons who own or lease property in closely built-up areas and on which property is located a building or buildings used for residential or business purposes, to connect to available sewer systems, and to regulate the manner and method of disposal of domestic or sanitary sewage by private methods such as septic tanks and systems, outhouses and privies: Provided, however, That the board of commissioners of any county shall have no jurisdiction over the erection, construction, operation or maintenance of publicly owned or financed sewer systems or sanitation and disposal plants, except that this provision shall not apply to said systems and plants for county-owned buildings. Such ordinances shall provide that any person, firm or corporation who shall violate any provision of the ordinance shall be guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and each subsequent offense by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period not exceeding ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the county board of health, or by the duly appointed health officer of the county, shall constitute a distinct and separate offense.

SEC. 4. For the protection of public health, the board of commissioners of any county, in addition to its other powers, shall have the power and authority to adopt and enact ordinances regulating the public disposal of garbage and rubbish on any land which is situated outside the corporate limits of any city or town. Such ordinances shall provide that any person, firm or corporation who shall violate any provision of the ordinance shall be guilty of a misdemeanor, and, on conviction, the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and each subsequent offense by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period not exceeding ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the county board of health, or by the duly appointed health officer of the county, shall constitute a distinct and separate offense.

SEC. 5. Any ordinance as provided for in sections 2, 3, and 4 hereof may be introduced at any meeting of the board of commissioners of any county. A written copy of the proposed draft shall be provided at the time of introduction and the board shall assign to each proposed draft for an ordinance a distinguishing number. Not more than seven days after the introduction of a proposed draft of an ordinance nor less than seven days before the final passage of a proposed ordinance, the board shall publish a notice that the proposed draft for an ordinance is pending final action by the board. Said notice shall be published in two newspapers of general circulation within the county. The board shall include in the notice reference to the subject matter of the proposed ordinance and the time and place of hearing will be had thereon and shall indicate that the proposed ordinance is available for public inspection at the office of the board. The board shall, not later than the date of notice of the introduction of a proposed ordinance, place five copies of the proposed ordinance on file in the office of the board for public inspection. At a meeting for which notice has been given as required by this section, the board may take final action on the proposed ordinance or may postpone final consideration thereof to

a designated meeting in the future without giving additional notice. The board may adopt an ordinance only at a meeting which is open to the public. Before adopting an ordinance, the board shall give opportunity to any person present at the meeting to give testimony, evidence or argument for or against the proposed ordinance, in person or by counsel, under such rules as to the number of persons who may be heard and time limits as may be adopted by the board. When an ordinance is adopted the board shall at the same meeting designate the effective date of the ordinance. If the board fails to designate the effective date of the ordinance in the record of the proceedings of the board, the ordinance shall be effective on the fourteenth day after its passage. When the board adopts an ordinance, the board shall cause copies thereof to be made which shall be available to the public. The board may provide for the printing of such ordinance in pamphlet or book form and may distribute the same without charge or may charge the cost of printing and distribution.

SEC. 6. For the purpose of properly carrying out the provisions of all ordinances adopted under the provisions of this act and applicable state laws and regulations, the county board of health or the duly appointed health officer of the county may employ a sufficient number of inspectors, agents or deputies as may be deemed necessary by the board of county commissioners.

SEC. 7. All laws and parts of laws in conflict herewith are hereby repealed.

SEC. 8. Should any section, clause, part or parts of this act or its application to any person or any particular single state of facts be held unconstitutional, then such decision shall affect only the section, clause or part, or application to such person or particular single state of facts so declared to be unconstitutional and shall not affect the validity of the act or the remaining parts thereof. The general assembly hereby declares that it would have passed the act or the remaining part or parts of this act had it known that the act or such part or parts thereof would be so declared unconstitutional.

SEC. 9. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.