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and quite recently this expression has been reiterated in the case of Pollock v. Studebaker Corp. (1951), 230 Ind. 622, 105 N. E. (2d) 513, where our Supreme Court said, at page 625:

“This court frequently has said that the Workmen’s Compensation Law is grounded in justice and should be liberally construed to accomplish the end for which it was enacted. * * * This is a rule and guide for all authorities charged with the administration of the Workmen’s Compensation Law * * *.”

It is, therefore, my opinion upon a consideration of the foregoing that the term “executive officers” was intended by the Legislature to include persons serving the governmental subdivision in an executive or official capacity, as distinguished from an “employee” capacity, so as to extend workmen’s compensation benefits to those persons who serve and represent the governmental subdivisions and who are designated by the subdivision as included in the contract of workmen’s compensation insurance covering said subdivision by the payment of a premium on those individual executive officers.

OFFICIAL OPINION NO. 45

September 26, 1956

Mr. J. Otto Lee, Clerk
State Election Board
102 North Senate Avenue
Indianapolis 4, Indiana

Dear Mr. Lee:

Your letter of September 11, 1956, has been received and reads as follows:

“A question has arisen in connection with a school consolidation election upon which the State Election Board desires your official opinion.

“The facts are as follows: After March 1, 1956, a portion of the Wilson precinct, Wayne Township, Randolph County, Indiana, was annexed into the city of Union City, Indiana. Section 79, Chapter 208, Acts of

1945, as amended (Burns' 29-3503), provides a procedure for the change of precinct boundaries where a portion of a county precinct has been annexed into the city. However, since the annexation was after the date when the county commissioners may take official action to make precinct boundary changes and since there is no primary or general city election in the year 1956, the commissioners are powerless to change the precinct boundaries for voting purposes until after the elections (primary and general) of 1956.

“The trustees of Wayne and White River Townships, Randolph County, have jointly resolved to consolidate the schools of the two townships. However, a protest petition was filed and a special election has been set to determine the issue. (See Burns' 28-5901, 28-5902, 28-5903 and 28-5904, 1955 Cumulative Supplement). These sections refer to the polls being at the usual voting places in the various precincts in said corporation and that said election shall be governed by the general election laws of the state. The question then arises as to whether all the voters residing in Wilson precinct (part of which is inside the boundary of Union City and part of which is outside) are entitled to vote in the school consolidation election.”

Under the provisions of the Acts of 1865, Ch. 1, Sec. 4, as found in Burns' Indiana Statutes (1948 Repl.), Section 28-2402, each civil township and each incorporated town or city in the several counties of the State were thereby declared distinct municipal corporations for school purposes and whose boundaries were co-extensive with each of their respective civil municipal corporations. The effect of this is that upon annexation of additional territory by a city, such annexed territory automatically becomes a part of the school corporation representative of the area comprising such civil city, including the new territory annexed. This occurs immediately upon such annexation becoming effective. This is clearly indicated by the provisions of the Acts of 1927, Ch. 219, Sec. 1, as found in Burns' Indiana Statutes (1948 Repl.), Section 28-3305, and the provisions of the Acts of 1935, Ch. 158, Sec. 1, as found in Burns' Indiana Statutes (1948 Repl.), Section

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28-3305a. These last referred to statutes specifically provide the obligations and indebtedness that must be assumed by the civil city in connection with any such annexation of territory or land or property constituting part of another school corporation. They also provide for the obligations of the school city as a result of any school buildings of another school corporation being located on land so annexed by the civil city. These last statutes are fully considered in this respect in an Official Opinion of this office, same being 1945 O. A. G., page 353, No. 89.

From the foregoing it is clear that upon such annexation being complete and effective said land so annexed became a part of the corporation known as the School City of Union City and at such time ceased to be a part of the township school corporation. It is assumed from the facts stated in your letter that said annexation is complete and no appeals are pending from such annexation, and it is upon that assumption that this opinion is expressed. If any appeals from such annexation are pending, then an entirely different conclusion would necessarily be made.

It is true that a recent Act of the Legislature, same being the Acts of 1955, Ch. 96, Sec. 1, as found in Burns' Indiana Statutes (1948 Repl., 1955 Supp.), Section 28-3726, requires a school corporation from which territory is annexed into a city school corporation, to issue a transfer certificate to the city school corporation for all children residing in such newly annexed territory for a period of the remainder of the school year and the next succeeding school year, if the annexation was prior to March 1st of any year, and for a period of the remainder of the school year and the next two succeeding school years, if the annexation was after March 1st of any year. This would seem to be a recognition by the Legislature that such annexed territory, during such period, continues to be a part of the old school corporation. However, no such provision is made in said statute arriving at such result and it is only reasonable to conclude that the only purpose of the last referred to statute is to afford the receiving city school corporation the benefit of the pro rata part of school taxes which the township corporation would receive during such periods for the education of such pupils in such annexed terri-

tory, the burden of education of which thereafter in fact was that of the city school corporation.

The statutory rule of construction is considered that courts will look to the general purposes and scope of a statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 216 Ind. 555, 567, 24 N. E. (2d) 776;

State *ex rel.* Bailey v. Webb (1939), 215 Ind. 609, 612, 21 N. E. (2d) 421.

The rule of statutory construction is also considered that in ascertaining the legislative intent as to a statute, the courts may take into consideration other Acts in *pari materia*, whether passed before or after the Act in question.

Sherfey v. City of Brazil (1937), 213 Ind. 493, 497, 13 N. E. (2d) 568.

I am, therefore, of the opinion the last referred to statute does not affect the time of the taking effect of the annexation, but only has for its purpose a design to adjust between such school corporations affected, the taxes primarily raised for the education of the children in the area annexed.

The consolidation statute referred to in your letter, Acts of 1947, Ch. 123, Sec. 3, as amended, as found in Burns' Indiana Statutes (1948 Repl., 1955 Supp.), Section 28-5903, provides, in part, as follows:

“Whenever a petition is filed, in one [1] or more of the school corporations protesting such consolidation as hereinbefore provided in this act, by the legal voters of any school corporation, the trustees of which propose to consolidate, then the trustees in each such school corporation in which such protest petition is filed shall call an election of the voters of such school corporation, for the purpose of determining whether a majority of the legal voters of such corporation are in favor of consolidating said schools. * * *”

Under the provisions of the last quoted statute, it is specifically provided that where a protest is filed on such consolida-

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tion that it be submitted to the "voters of such school corporations." Since the annexed territory is no longer a part of the township school corporation, the persons residing in such annexed territory would no longer be voters of such school corporation.

From the foregoing, I am of the opinion that where a part of your election precinct is in the city and part of it in the township outside of the city, that such election be held in the regular and legally constituted voting precincts in which the voters reside but that the only voters residing in such precinct who could vote on the question of such consolidation would be those voters of the township school corporation living outside of the corporate boundaries of said city and would not include those voters living in that part of the territory annexed to such city.

OFFICIAL OPINION NO. 46

October 9, 1956

Mr. Cecil Bolinger
Executive Secretary
Public Employes' Retirement Fund
145 West Washington Street, 10th Floor
Indianapolis, Indiana

Dear Mr. Bolinger:

This is in reply to your letter in which you request an Official Opinion as follows:

"We have an inquiry from Mr. Albert A. Kuhl, Regional Representative of the Social Security Administration, relative to the status of judges of criminal courts. It appears that a judge of the criminal court of Marion County participated in Old-Age and Survivors Insurance coverage for the years 1952 and 1953 as an employee of Marion County.

"I would respectfully request that an Official Opinion be rendered as to whether or not judges of Criminal Courts are state employees or county employees, or neither.