Therefore your specific questions are answered as follows:

1. It is mandatory for all library boards operating under the provisions of the Library Law of 1947 to elect from its members a treasurer.

2. In answer to your second question it is optional with said board to continue the use of the treasurer of the civil city or town as treasurer of library funds raised only from tax levies, and that the treasurer elected from its membership acts as treasurer of all other funds of the board.

3. As seen by the answer to question Number 2, it is permissible for a library board which converts under the 1947 Law upon the election of a treasurer from its membership to dispense with the services of the city or town treasurer.

4. Your question Number 4 has been answered by the above answer to your second question.

5. In answer to your question Number 5, I am of the opinion that any civil city or town treasurer who serves as treasurer of a library board created under the 1947 Law must either give a separate bond for such purpose, or to increase his present bond accordingly to cover the library funds.

6. In answer to your question Number 6, where a separate bond is given, or the original bond is increased, as specified in answer to question Number 5, *supra*, the library board has authority to fix the amount of such bond, approve the same and pay for the same out of its funds.

OFFICIAL OPINION NO. 37

May 25, 1954

Mr. Ferdinand Jehle, Secretary
Board of Registration for Professional
Engineers and Land Surveyors
230 State House
Indianapolis, Indiana

Dear Mr. Jehle:

I have your letter of April 26, 1954, in which you ask for an interpretation of the Acts of 1935, Ch. 148, Sec. 20 (d), as
amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 63-1536, which provides as follows:

"The following persons shall be exempt from the provisions of this act [§§ 63-1517—63-1553] to-wit:

* * *

"(d) Any person, engaging in the practice of land surveying, who is a duly elected and qualified and acting county surveyor in any county in this state, while practicing in said county."

Section 2 of said Act, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 63-1518 provides in part as follows:

"(d) The term 'land surveyor,' as used in this act, shall mean a person who engages in the practice of land surveying, as hereinafter defined.

"(e) The term 'practice of land surveying,' as used in this act, includes surveying of areas for their correct determination and description and for the conveying, or for the establishment, or re-establishment of land boundaries, and the plotting of land and subdivisions thereof."

The purpose of legislation requiring occupational or professional licenses is to subserve the public good and to prevent such occupations or professions from being conducted in a manner injurious to the public welfare. 37 C. J. Licenses § 5. The object of a license is to confer a right or power which does not exist without it and the object of a statute requiring such license may be to regulate and control the occupation or privilege for which the license is granted, so as to subserve the public good or prevent its being conducted in a manner injurious to the public welfare.

While in the construction of statutes resort is made in testing such statutes to many well recognized rules of statutory construction, it must be borne in mind that all other rules for statutory construction are subservient to the one that the legislative intent must prevail, if it can reasonably be discovered from the language used by the Legislature.
Subsection (c) of Sec. 20, supra, exempts:

"(c) Officers and employees of the government of the United States while they are engaged, within this state, in the practice of professional engineering or land surveying, for the government of the United States."

It can be seen from this section that the Legislature exempted officers and employees of the United States Government from the Registration Act only when they are engaged in practice for the Government of the United States. No such provision prevails in subsection (d) of Sec. 20, supra. It is evident that the Legislature intended something different.

Words in a statute must be construed in their plain, ordinary and usual meaning unless a contrary purpose clearly appears.

2 R. S. (1852), Ch. 17, Sec. 1, as found in Burns' Indiana Statutes (1946 Repl.), Section 1-201.

See also:

Garvin v. Chadwick Realty Co. (1937), 212 Ind. 499, 9 N. E. (2d) 268;

Dreves v. Oslo School Township (1940), 217 Ind. 388, 28 N. E. (2d) 252.

As a general proposition an exemption is understood to be a release from some burden, duty or obligation; taken out from under the general rule, not to be like others who are not exempt. See Main Water Co. v. Watervile (1900), 93 Me. 586, 45 A. 830, 49 L. R. A. 294.

In the case of State v. Barrett (1909), 172 Ind. 169, 87 N. E. 7, supra, the Court said of an exception and proviso:

"* * * They are intended to restrain the enacting clause, to except something which would otherwise be within it, something engrafted upon a preceding enactment, intended to take special cases out of a general
class, and the general intent and purpose of an enacting clause will be controlled by the particular intent subsequently expressed. * * *"

See also:

Campbell v. Jackman Bros. (1908), 140 Ia. 475, 118 N. W. 755;
Simpson v. State (1912), 179 Ind. 196, 99 N. E. 980;
Stiers v. Mundy (1910), 174 Ind. 651, 92 N. E. 374.

From the foregoing authorities and citations it is, therefore, apparent that the Legislature intended not to limit the County Surveyor, as is the expressed intention with respect to Federal Government officials and employees, in the performance of their official duties, but excepted County Surveyors from the purview of the Act in all practice within their respective county.

When the language of a statute is clear and unambiguous, there is no room for construction, and the language used must be held to mean what it plainly expresses.

State ex rel. Mason v. Jacobs (1924), 194 Ind. 327, 142 N. E. 715;
State v. Martin (1923), 193 Ind. 120, 139 N. E. 282.

It is, therefore, my opinion that an unregistered county surveyor may engage in private practice provided he limits said practice to the boundaries of his county.