5a. A Class II library of the type described above may not extend service to the county under Section 10 of the Acts of 1947, Ch. 321.

5b. A Class II library electing to have the powers and rights enumerated in Section 4 of the Library Act of 1947 may extend county library service under the Acts of 1917, Ch. 45, Sec. 4.

OFFICIAL OPINION NO. 56
November 24, 1954

Mr. James M. Knapp, Director
Indiana State Personnel Bureau
311 W. Washington Street
Indianapolis 4, Indiana

Dear Mr. Knapp:

This is in reply to your inquiry which reads as follows:

“Preference in employment under the State Personnel Act is provided for veterans, their widows, and, in certain situations, their wives, in Section 19 of the Act. (Burns’ 60-1319.)

“Paragraphs (m) and (n) of the section referred to above, deal with the placing of names on appropriate employment lists when a preference eligible has been separated from his position. You will note that no time limitation is placed upon when the preference eligible may request that his name be placed on the employment list.

“In establishing re-employment lists, non-veterans must request that their names be placed on the list within two years after the date of their separation from the state service. (Official Rules, State Personnel Board, Rule 6, Section 6-2 (C) 2.)

“A situation has occurred in which an employee resigned in good standing as a non-veteran. Approximately 18 months after the resignation, the employee entered the military service and was honorably discharged 13 months later. This individual has estab-
lished her right to preference and has requested that her name be placed on the re-employment list for the classification in which she was formerly employed.

"Considering only the time limitations previously mentioned, we find that her re-employment rights as a non-veteran expired prior to her achieving the status of a veteran.

"Since we cannot readily determine whether the separation from the state service must have been subsequent to becoming a preference eligible, as the term is used in paragraphs (m) and (n), we respectfully request an official opinion on this matter."

Acts of 1941, Ch. 139, Sec. 19, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 60-1319, clause N, provides as follows:

"Any preference eligible who has resigned shall, upon request to the state personnel board, have his name again placed on all proper registers for which he may have been qualified, in the order as provided for in subsection F hereof and shall then be eligible for re-certification and re-appointment in the order, and according to the procedure, as provided for in subsection F and G hereof."

Under clauses A, B and C, of the above section, persons honorably discharged from military service are classed as preference eligibles.

Clause N of the above statute is clear and unambiguous. It provides that any preference eligible who has resigned (from state service) shall upon his request, have his name again placed on the proper register for re-employment. No time limitation is specified, nor does the Act distinguish between military service rendered before or after state service.

In such case said statute is subject to the well recognized rule that whenever a statute is clear and unambiguous it affords no room for statutory construction.

Sullivan Statutory Construction, 3rd Ed., Vol. 2, Section 4502;
The above rule referred to in your letter does not apply to such veterans as it applies to other persons who have left state service as provided in Acts of 1941, Ch. 139, Sec. 26, as amended, as found in Burns’ Indiana Statutes (1951 Repl.), Section 60-1326.

I am therefore of the opinion the person referred to in your letter is entitled to be placed upon the appropriate employment list, and that the question of whether separation from state service was prior to or after becoming a veteran of the military service, is immaterial.

OFFICIAL OPINION NO. 57

November 29, 1954

Mr. R. R. Wickersham
State Examiner
State Board of Accounts
304 State House
Indianapolis, Indiana

Dear Mr. Wickersham:

This is in reply to your letter of October 4, 1954, which states that you are preparing to certify to this office a series of Field Examiners’ Reports containing charges based on 1951 O. A. G., page 304, No. 101.

You have asked us to advise you whether these charges will be sustained.

We have considered this matter and are of the opinion that a charge based on 1951 O. A. G., No. 101 cannot be sustained for the following reasons:

Under 1951 O. A. G., No. 101, the cost of publishing a township trustee’s abstract of receipts and disbursements, required to be published under the Acts of 1951, Ch. 252, as found in Burns’ Indiana Statutes (1951 Repl.), Section 65-137, should