

## OPINION 30

### OFFICIAL OPINION NO. 30

May 4, 1953.

Mr. W. Howard Patrem, Director,  
Board of Industrial Aid and Vocational  
Rehabilitation for the Blind,  
536 West 30th Street,  
Indianapolis, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

“Reference herein is made to Senate Bill 205 to be known as Chapter 197, the Acts of 1953 and Chapter 97, Acts of 1947, Section 505 and Section 1, respectively to obtain your legal opinion regarding the governing Board of Trustees for the Board of Industrial Aid and Vocational Rehabilitation. Although my Board of Trustees consisted of the same personnel under different officers, our meetings were held in this office in the A. M. on or before the 7th day of each month, the Trustees meeting was held in the afternoon in the office of the Superintendent of the Indiana State School for the Blind. The two institutions have always cooperated and worked with the Blind, but each is independent of the other in its respective programs and budgetary operations. If I am without a governing Board this would involve Federal money for Vocational Rehabilitation as provided for in Section 9, Chapter 97, the Acts of 1947. The State plan approved 1946 for Vocational Rehabilitation for the Blind in Section 1, reads as follows Quote: (The Board of Industrial Aid and Vocational Rehabilitation for the Blind is the Agency in Indiana which is authorized by State Law to Rehabilitate the Blind. Indiana Statutes 1947, Chapter 97.) Unquote:

“An early reply with your written opinion will be appreciated as an allocation of Federal Funds is due this Agency July 1, 1953. I feel the legal question must be settled at an early date to avoid the withholding of these Federal funds by the Office of Vocational Rehabilitation Federal Security Agency, Washington, D. C.”

The pertinent provisions of Chapter 197 of the Acts of 1953 are as follows:

Section 503 provides in part:

“Medical Institutions. The commissioner in charge of the Division of Medical Institutions shall have complete administrative control and responsibility for the following institutions:

- Indiana State School for the Deaf.
- Indiana School for the Blind.
- Northern Indiana Children’s Hospital.
- Southern Indiana Tuberculosis Hospital.
- Indiana State Sanitarium.
- Indiana Soldiers’ and Sailors’ Children’s Home.
- Indiana State Soldiers’ Home.

“All the powers and duties of the respective boards of trustees of the above named institutions are hereby preserved, transferred to, and conferred on the Commissioners of this Division.”

Section 505 provides:

“SEC. 505. Governing Boards Abolished. The governing body of each institution mentioned in Section 503 is hereby abolished and the term of its members hereby terminated.”

Section 1 of Chapter 97 of the Acts of 1947, which is found in Burns’ Indiana Statutes Annotated (1950 Replacement) Section 22-823 reads as follows:

“There is hereby created and established a board of industrial aid and vocational rehabilitation for the blind (hereinafter referred to as the board) *consisting of the board of trustees of the Indiana School for the Blind. Said board is hereby authorized and directed to carry out the powers and duties imposed by the provisions of this act.*”

Sections 2 through 15 of Chapter 97 of the Acts of 1947 are found in Burns’ Indiana Statutes Annotated (1950 Replacement) Section 22-824 *et seq.* and set out in detail the duties of

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the Board of Industrial Aid and Vocational Rehabilitation for the Blind.

Section 1 of Chapter 14 of the Acts of 1945 which is found in Burns' Indiana Statutes Annotated (1946 Replacement) Section 1-203 reads as follows:

“Whenever in any act of the general assembly of the state of Indiana, any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of state government, or any political subdivision thereof, shall be designated by name, which name is incorrectly stated, or at the time of the effective date of such act, or subsequently thereto, the rights, powers, duties, or liabilities placed with such board, bureau, commission, division, department, officer, agency, authority or instrumentality were transferred to a different board, bureau, commission, division, department, officer, agency, authority or instrumentality, then such named board, bureau, commission, division, department, officer, agency, authority, or instrumentality, whether correctly named in said act at the time of its effective date or not, shall mean and be construed to mean the properly or correctly named or designated board, bureau, commission, division, department, officer, agency, authority or instrumentality, or the one to which such rights, powers, duties and liabilities were transferred.”

(It is interesting to note that the title of this last quoted Act reads “An Act concerning the interpretation of the acts of the general assembly.”)

To summarize the foregoing, the Health Administration of 1953 does not mention the Board of Industrial Aid and Rehabilitation for the Blind. However it transfers all authorities of the Board of Trustees of the Indiana School for the Blind to the Director of Medical Institutions of the Department of Health, and it abolishes the Board of Trustees of the Indiana School for the Blind. Chapter 14 of the Acts of 1945 specifically provides when the rights, powers, duties and liabilities of a Board are transferred to another Board or officer that any mention of such abolished board shall be construed to be a

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mention of the board or officer to whom the duties have been transferred. Following the rule of construction required by this statute Section 1 of Chapter 97 of the Acts of 1947 would read: "There is hereby created and established a Board of Industrial Aid and Vocational Rehabilitation for the Blind (hereinafter referred to as the Board) consisting of the Director of Medical Institutions of the Department of Health. Said Board is hereby authorized and directed to carry out the powers and duties imposed by the provisions of this Act."

In view of the basic rule of statutory construction that the intention of the legislature will be ascertained and carried out and that the legislature will not be presumed to have intended an absurd or meaningless result, it is my opinion that the same result would have been reached even in the absence of the provision of Chapter 14 of the Acts of 1945.

Therefore to specifically answer your question, it is my opinion that the Board of Industrial Aid and Vocational Rehabilitation for the Blind is the agency which is authorized by said law to rehabilitate the blind, and that that Board is composed of the Director of Medical Institutions of the Department of Health.

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OFFICIAL OPINION NO. 31

May 5, 1953.

Mr. Ross Teckemeyer,  
Executive Secretary,  
Public Employes' Retirement Fund,  
707 Board of Trade Building,  
Indianapolis, Indiana.

Dear Sir:

Your letter of March 2, 1953 has been received in which you ask the following questions:

"First—Should a member of the Public Employes' Retirement Fund asking for a transfer be required to pay the full amount of the withdrawal, including interest received from the Teachers Retirement Fund before receiving credit for creditable service earned under the Teachers Retirement Fund Law?