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of County Commissioners most nearly approaches on the county level, the Board of Town Trustees or the Common Council on town or city levels.

Therefore, where the expression Board of Town Trustees or Common Council is used, it should be interpreted to mean Board of Town Trustees or Common Council or Board of County Commissioners. Likewise, in the case of school boards, the County Board of Education would appear to be intended, although it is more difficult to determine which of several educational authorities is most directly comparable. As you point out in your letter, a body rather than a single individual seems to be contemplated and the fact that the county boards of education have only been the nominal county boards would not seem to give a strong indication of a legislative intent to keep that organization purely nominal.

Specifically my answer to your questions is, Yes, county commissioners are the appropriate appointing authority for county library purposes where the act mentions Board of Town Trustees and the common council, and the county board of education is the proper appointing authority where the act mentions similar educational organizations.

OFFICIAL OPINION NO. 32

April 3, 1952.

Honorable W. H. Skinner, Director,
Indiana State Personnel Bureau,
311 West Washington Street,
Indianapolis 4, Indiana.

Dear Sir:

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

“Paragraph H of Section 1 of Chapter 153, Acts of 1945 provides for the re-opening of examinations for persons entitled to ten points’ veterans’ preference.

“We have received our first request for an examination in accordance with this provision of the Act. In

anticipation of other such requests, particularly if we encounter a period of considerable unemployment, we are requesting an official opinion as to the meaning of the above cited paragraph as related to the following specific questions.

"1. Does this paragraph create a situation which could go on until the Act is amended, or is there some relationship between the time limitations mentioned and the effective date of Chapter 153?

"2. Does this apply only to examinations for entrance into the State Service, or are competitive promotional examinations also included?

"3. If an individual competed in an entrance examination when it was originally held, but failed to achieve a passing score, would he be entitled to have the same examination re-opened to him?

"4. If the answer to Question 3 is 'no', would it be necessary to set up a new examination under such circumstances, or would the individual have forfeited his rights under Paragraph H when he participated in the original examination?

"Your prompt attention to this request will be appreciated."

Subsection H, Section 1 of Chapter 153 of the Acts of 1945 appears as subsection H of Section 60-1319; Burns' 1951 Replacement, and reads as follows:

"The state personnel board is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three (3) years, for any person included under subsection (1), (2), and (3) of subsection A of this section upon application for examination for any such position."

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The above quoted subsection contains sufficient technical descriptive matter to make it complicated and somewhat difficult to construe but if the words which limit the types of examination and the types of persons applying are left out, that subsection then reads:

“The state personnel board is authorized and directed to hold an examination, during the next succeeding quarterly period, * * * upon application for examination for any such position.”

Considering this subsection in this manner, it is apparent that it creates a situation which could go on until the act is amended.

In regard to your second question, it is important to note that the examination referred to is “for any person to which any appointment has been made within the preceding three (3) years.” In determining the meaning of these words it is well to note the inclusions and wording of other subsections. Subsection A applies to “certification for appointment, in appointment, in reinstatement and in re-employment.” Subsection B applies to all examinations to determine qualifications *for entrance* into state service. Subsection C applies to all examinations. Subsection D applies to qualifications for examination, appointment, promotion, retention, transfer or reinstatement.

From these sections it is apparent that this act has used careful differential wording to describe its situations and manner of applying veterans' preference. For this reason it is my opinion that subsection H applies to all examinations to which any appointment has been made within the preceding three years, regardless of whether the examination would serve as an aid to transfer or promotion.

In regard to your third question, construing the language of Subsection H, together with the rest of the section and keeping in mind the primary purpose in interpreting legislation, is to determine the legislative intent and the legislature is not presumed to have intended an invalid or unfeasible result. It is my opinion that Subsection H did not intend to authorize re-examination after failure to qualify. Throughout Burns' 60-1319 the rights granted are not made to appear to be in the alternative rather than cumulative. Thus, although a person

failing to pass an examination would not be entitled to demand a special examination, should he compete in any subsequent regular examination, he would not be deemed to have used up or forfeited his right to preference, but rather it would be a continuing right still available to him.

OFFICIAL OPINION NO. 33

April 3, 1952.

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

Dear Mr. Jehle:

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

- "1. According the provisions of Chapter 124 of the Acts of 1931 as last amended by Chapter 124 of the Acts of 1943, are applicants for an original registration as a Professional Engineer or Land Surveyor required to present any evidence of payment of poll and personal property taxes?
- "2. If the answer to the first question is in the affirmative, then are applicants for an annual renewal of the original registration required to present any evidence of payment of poll and personal property taxes?"

Section 42-102 Burns' 1951 Supp., same being Section 1, Chapter 124, Acts 1931, as last amended by Section 1, Chapter 124, Acts 1943, provides in part as follows:

"It shall be unlawful for any board, officer or person to issue any license, as hereinafter defined, to any person who is a resident of this State, unless the applicant for such license shall, at the time when he applies for such license, and in addition to all other require-