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funds appropriated for civil defense purposes. However, ultimate questions could be avoided by an act specifically accepting or authorizing the acceptance of the terms of any federal grant in this regard.

Your eighth question reads as follows:

“8. Could any of the foregoing benefits be made available to civil defense workers coming in to Indiana at the request of the Governor or his authorized representative from states with which the State of Indiana has a mutual aid agreement?”

Throughout Chapter 186 and Chapter 268 it is contemplated that the State of Indiana will make all compensation payments and that all agreements with other states will be absolutely reciprocal. There are additional provisions for reimbursing other states for expenditures for aid grant to the State of Indiana. Thus it would seem that the State of Indiana would have no authority to grant compensation, or other benefits, to defense workers from another state but would ultimately pay for such benefits by reimbursement to the state furnishing aid.

OFFICIAL OPINION NO. 23

March 7, 1952.

Dr. Carl A. Frech, D.D.S.,
Secretary-Treasurer,
Indiana State Board of Dental Examiners,
Gary National Bank Building,
Gary, Ind.

Dear Dr. Frech:

Your letter of January 18, 1952, has been received in which you request an official opinion on the following question:

“Is the secretary of the Board of Dental Examiners entitled to per diems for service rendered outside the Board office, in addition to the salary allowed him for the conduct of the Board office?”

Preliminary to asking said question, you specifically point out that the secretary of your Board is in fact a member of the Board who is elected to the secretaryship and thereby becomes *ex-officio* the treasurer of the Board.

Among other things your letter contains the following statement:

“It has always been the understanding and intent of the present and past Boards of Dental Examiners that the moderate salary allowed the secretary of the Board should apply only to the services performed by the secretary in the maintenance and conduct of the Board office. It is our further understanding and intent that the secretary should be paid *per diems* for Board duties that necessitate him leaving his office. The secretary is a member of the Board and the statutes state that Board members should receive a *per diem* for their services. The secretaries of our Board have always been paid a salary for the office work and *per diems* for outside work since the inception of the Board in 1909.”

Section 63-511 Burns', same being section 11, chapter 138, Acts 1913, as finally amended by section 2, chapter 120, Acts 1951, reads as follows:

“That the board of dental examiners shall hold not less than two (2) regular meetings in each year at such place as may be fixed by the board, on a definite date to be fixed by the board, and as often in addition as may be necessary for the transaction of such business as may properly come under the provisions of this act (§§ 63-501—63-526), and it shall have power to make all necessary rules and regulations in accordance with this act. Special meetings may be called at any time by any three (3) members of the board to be held at such time and place as may be designated in the call. The board shall elect a president and a secretary, and the secretary shall be *ex-officio* treasurer of the board. For their services the members shall receive the sum of twenty dollars (\$20.00) per day and their expenses necessarily incurred.

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“It shall be the duty of the board to keep a record of all applications for certificates and such records shall contain all the facts set forth in said application, including the action of the board thereon, and it shall also retain all examination papers for a period of one (1) year from the date upon which the examination is held; and said board may employ a clerk and such other person, or persons, as may be necessary, in the discretion of the board, to enable said board to properly carry out and enforce the provisions of this act, and said board shall allow and pay out of its own funds a reasonable compensation for such work. The secretary of the board shall receive a reasonable salary to be fixed by the board.”

It is to be observed from the above quoted section of the statute that the Board elects one of its members secretary and that for his services he shall receive \$20.00 per day and expenses necessarily incurred. The statute also provides that the secretary shall receive a reasonable salary to be fixed by the Board.

It is to be observed said statute was originally enacted in 1913, amended in 1917, 1949 and 1951. It is worthy of note, according to your letter, that ever since the inception of your Board in 1909 the secretaries of the Dental Board have received a salary for their office work and *per diems* for outside work.

When the legislature and officers of state departments have given a provision of the Constitution or a statute a uniform construction for a long series of years, such construction will have great weight with the courts when the question of construction is presented to them.

State ex rel. Gleason v. Gerdink (1909), 173 Ind. 245, 251, 90 N. E. 70;

State ex rel. Shea v. Billheimer (1912), 178 Ind. 83, 96 N. E. 801.

It has further been held that a practical construction given to the statute by public officers of the state and acted upon by those interested, and by the people, is to be considered in cases of doubt.

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Zoercher v. Indiana Associated Telephone Corp.
(1937), 211 Ind. 447, 456, 7 N. E. (2d) 282.

It is at once apparent the provision of the statute relative to salary and *per diem* of the secretary is somewhat ambiguous. If strictly construed, it requires payment of both. Where, by a long course of administrative interpretation and practice, said secretary has been paid both salary and *per diem*, a salary for office work and *per diems* for outside work, during which time the statute has been amended two or three different times by the legislature without clarifying said provision, lends credence to the proposition that the legislature was satisfied with the administrative construction and operation of the statute. I am of the opinion that, if construed by a court, it would reach the same conclusion.

In answer to your question, I am therefore of the opinion the secretary of the Board of Dental Examiners is entitled to the *per diem* for meetings and outside services rendered the Board under the above statute in addition to the salary for office work allowed him as secretary of said board.

OFFICIAL OPINION NO. 24

March 11, 1952.

Honorable Henry F. Schricker,
Governor of the State of Indiana,
State House,
Indianapolis, Indiana

Dear Governor Schricker:

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

“In my capacity as Chairman of the State Election Board I have received another request for an opinion to interpret the language of the intention of Chapter 343 of the Acts of 1951, which proposes to amend Section 11 of Article 7 of our State Constitution. Apparently, a similar problem will arise in a number of