Therefore in answer to your second question, it is my opinion that in view of the foregoing authorities the county council is required to make an appropriation when voting machines are required to be obtained. Generally such expenditures should be budgeted as provided in Burns 29-3105 and if not budgeted the necessary funds should be made available by an emergency appropriation.

OFFICIAL OPINION NO. 46

August 21, 1950.

R. W. Elrod, Secretary,
Indiana State Veterinary,
Examining Board,
Room 477, State Board of Health Building,
1330 West Michigan Street,
Indianapolis, Indiana.

Dear Sir:

Your letter of July 21, 1950, requesting an official opinion, reads as follows:

"In Re: Veterinarians, License to practice—Examinations.

"With reference to the above captioned subject matter, an official opinion is respectfully requested covering the scope of that particular section of the law, pertaining to an EXAMINATION AS TO QUALIFICATIONS to which applicants must submit in order to secure a license to practice Veterinary medicine and surgery.

"Burns, Indiana Statutes (1933), 63-1703 provides in part:

'In order to procure such license, the applicant shall submit to an examination as to his qualifications to practice veterinary medicine and surgery, in such manner as the Board shall provide.'
"In connection with the foregoing the question has arisen as to whether or not it is within the power of the Veterinary Examining Board to establish certain educational standards and to require that applicants be graduates of schools or colleges recognized by the American Veterinary Medical Association. (It is to be assumed, however, that the question submitted has no bearing whatever on that provision of the law concerning Veterinarians engaged in practice eight years or more preceding the passage of this Act)."

It appears that the primary question involved here is one of statutory construction, and also a comparison of the Veterinary Statute with a like statute. There is a rule of construction that courts cannot read anything into a plain and unambiguous statute but must give full effect to its plain meaning.

Cain v. Staley Manufacturing Company (1933), 97 Ind. App. 235 at 240;
Tucker, Sec. of State v. Muesing, et al. (1941), 219 Ind. 527, 531-2.

The statute which you have reference to reads as follows:

"After this law goes into effect, any person desiring to begin, in the state of Indiana, the practice of veterinary medicine and surgery, * * * shall procure from the state board of veterinary medical examiners a license * * *; and, in order to procure such license, the applicant shall submit to an examination as to his qualifications to practice veterinary medicine and surgery, in such manner as the board shall provide. * * *"
Burns Section 63-1703.

Nothing is contained in the statute which gives the Board of Veterinary Medical Examiners the power to establish educational standards of any type whatsoever.

In comparing this statute with the statute governing the licensing of physicians and surgeons in the State of Indiana, the latter specifically provides as follows:

"* * * Except as last above provided no certificate shall be issued to any person whomsoever until he shall
have satisfied the said board that he has graduated at a reputable medical college, as in this section set forth, maintaining a standard of medical education as above prescribed, * * *” Burns Section 63-1306.

It is thus seen that had the Legislature intended to give the Veterinary Examining Board the power to establish this educational standard they would have so stated in the Act. It might be stated arguendo that Section 63-1704 of the same Act gives the Board such powers as stated in your question. That section reads in part as follows:

“* * * (The State Board of Veterinary Medical Examiners) shall have the power to make all necessary rules and regulations for the transaction of its business * * *.”

However, like all administrative boards of the State of Indiana, the Indiana State Veterinary Examining Board is a creature of the Legislature and has only such powers as are specifically delegated to it by law.

Cody v. The Board of Commissioners (1932), 204 Ind. 87 at 91.

And such rules and regulations must, of necessity, be within the scope of the powers delegated to such Board.

Therefore, in answer to your question it is my opinion that the Veterinary Examining Board does not have the implied power to establish certain educational standards which require that applicants be graduates of schools or colleges recognized by the American Veterinary Medical Association.