OFFICIAL OPINION NO. 24
March 12, 1948.

Mr. C. F. Kohlmeyer,
Director Board of Industrial Aid and
Vocational Rehabilitation For the Blind,
536 W. 30th Street,
Indianapolis, Indiana.

Dear Mr. Kohlmeyer:

Your letter of February 14, 1948, has been received in which you desire to know if a suggested amendment to the State Plan for Vocational Rehabilitation is legal and enforceable as far as the repossession of tools and equipment furnished blind persons are concerned. Such amendment reads as follows:

"Amend Section XI, E, 7, a, Page 86.
"Add sub-section ‘b’ as follows:

‘b’ In the event placement tools and equipment are purchased for blind clients and the work project is abandoned or the client is deceased, or where the client has become so incapacitated as to become unable to operate the project, the Board of Industrial Aid and Vocational Rehabilitation for the Blind reserves the right to repossess such occupational tools and equipment and use them for the benefit of other clients who are eligible for same under the rules and regulations."

You further desire to know if your Board has such authority to repossess such equipment irrespective to any such amendment to your Plan. The statute under which your Board is operating is Chapter 97 of the Acts of 1947, and in answer to your last question, I wish to advise I do not find any specific provision in the statute governing that matter, and therefore, am of the opinion that any such tools or equipment dispensed to blind persons under your present plan could not be repossessed in the absence of any such right being reserved by the Board at the time of dispensing such tools and equipment to such blind persons.

In answer to your first question Section 4 of Chapter 97 of the Acts of 1947, provides as follows:
"The board shall act as a bureau of information and industrial aid for the blind and shall promote a system of economic security for the blind by administering and supervising a state-wide program for vocational training and rehabilitation, the object of which shall be to aid the blind in finding employment and to teach them industries which may be followed in their homes, and to provide such means for the development of such industries and for the marketing of the products thereof as may seem to the board to be expedient. The board shall administer such state and federal funds as may be available for the prevention of blindness, vocational training and rehabilitation for the blind."

Section 9 of said Act further provides:

"The State of Indiana does hereby, through its general assembly, accept the provisions of an Act of Congress entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' approved June 2, 1920, and all amendments thereto which said act and its amendments thereto provide, among other things that a state plan for vocational rehabilitation of the blind may be approved by the federal security administrator if submitted by a state blind commission, or other agency which provides assistance or services to the blind, having such authority to provide said blind with vocational rehabilitation; and the said board of industrial aid and vocational rehabilitation for the blind is hereby designated as the sole agency for the cooperation with the federal board, agency or administrator for the purpose of carrying out the provisions and purpose of said federal act as it pertains to vocational rehabilitation of the blind and is empowered and directed to cooperate with said federal board, agency or administrator in the administration of said federal act, and to direct the disbursement and administer the use of all funds provided by the federal government and this state for the vocational rehabilitation of the blind, and said board is hereby authorized to submit
a state plan for the vocational rehabilitation of the blind to the federal board, agency or administrator pursuant to the provisions and requirements of said federal act."

Prior to the 1947 law your board was controlled by Chapter 237 of the Acts of 1945 which was the subject of an official opinion of this office, same being 1945 Ind. O.A.G., page 173, Official Opinion No. 38, where it was pointed out the State of Indiana had again accepted the benefits of the federal statute same being Chapter 219 of the Acts of Congress of June 2, 1920, same being Title 29, Section 31 to 41, U.S.C.A. as amended by Chapter 190 of the Acts of Congress on July 6, 1943, same being Title 29, Section 31, U.S.C.A. 1944 Cumulative Annual Pocket Part. It was there held the State Board was authorized to adopt a State Plan to be approved by the federal agency, for the purpose of carrying out the purposes of such legislation. Since the 1947 Act to this extent is for all practical purposes identical with the 1945 law, such opinion applies with equal force to the 1947 law.

That the amendment to your plan above set out is in accordance with the federal administrative procedure set up to carry out said federal statute is indicated by the following "Administrative Standards No. 7" of the Division of Vocational Rehabilitation of the Federal Security Agency.

"The Interpretation of Section 3 (a) 3 (c) of Vocational Rehabilitation Act does not rule out ownership by the State, if by ownership is meant a certain residual title in the State which would operate only in the event the client died or abandoned the enterprise for which the equipment was purchased. It does rule out any control or management on the part of the State agency which does not give the client full freedom in the use of the equipment and in the conduct of his chosen enterprise. The provisions of the approved State Plan should be consulted for further information regarding the title to customary occupational tools and equipment."

Since under the provisions of the 1947 law, above quoted, said statute not only contemplates the training and educa-
tion of such blind persons in the use of such equipment, but
authorizes the Board to assist and furnish facilities for the
carrying out of such occupations, I am of the opinion that
such tools and equipment furnished could be repossessed by
your Board if dispensed to such blind persons under your
plan containing the foregoing amendment, such right to re-
possession being subject to the conditions therein provided.

OFFICIAL OPINION NO. 25
March 15, 1948.
Hon. Kermit E. Lewis, Capt.
Indiana State Police,
Indianapolis, Indiana.

Dear Mr. Lewis:

Your letter of February 3, 1948, has been received in which
you request for your department an opinion as to the juris-
diction of a county coroner. You specifically desire to know
if his authority extends across the county line in case of
death resulting from violence or casualty.

Section 49-2904 Burns' 1945 Supp., same being Section 1,
Chapter 241, Acts 1935 reads in part as follows:

"(a) Every coroner, as soon as he shall be notified
that the dead body of any person, supposed to have
come to his death by violence or casualty, is within his
county, shall immediately proceed to inquire, upon
view of the body, how and in what manner he came to
his death."

Section 49-2908 Burns' 1933, same being Acts 1879 (Spec.
Sess.) Chapter 28, Section 3, reads as follows:

"The coroner, having viewed the body, heard the
evidence, and made all necessary inquiry, shall draw
up his verdict upon the death under consideration,
in writing, and sign the same with his name."

Section 29-2906 Burns' 1933, same being 2 R. S. 1852, Ch. 7,
Section 8, reads as follows: