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OFFICIAL OPINION NO. 17

July 11, 1969

Hon. Anna Maloney
Indiana State Representative
131 East Fifth Avenue
Gary, Indiana

Dear Representative Maloney:

I am in receipt of your recent letter asking for an Official Opinion as follows:

“The County Committees and State Commission for Reorganization of School Corporations have been working in accordance with Acts of 1969, c. 202 as amended. The Indiana State Legislature has allowed the State Commission to terminate June 30, 1969. However, it appears the County Committees are in force and effect until all school corporations in their county are reorganized and after June 30, 1969 function in combination with the Indiana General Commission on Education.

“I would appreciate an Official Opinion from you as soon as possible as to whether County Committees may continue after date of June 30, 1969.”

Your answer must come from an interpretation of Acts of 1959, Ch. 202, as amended, as applicable to your question and which must be read by giving meaning to each word, phrase, section, and the whole thereof with each word taken in its plain, ordinary and usual sense to determine and to ascertain the Legislative meaning and intent of the act. 26 I.L.E. Statutes § 113.

Acts of 1959, Ch. 202, as amended, and as found in Burns' (1968 Supp.), Sections 28-6101 to 28-6131, known and cited as “The School Corporation Reorganization Act of 1959” (hereinafter referred to as the 1959 Act) was passed to create new school corporations out of then existing school corporations of such a size as to promote more efficient operation thereof and to “achieve greater equity in school tax rates among the inhabitants of the various” school corporations in each county.

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Section 5(1) of the 1959 Act, as amended and as found in Burns' (1968 Supp.), Section 28-6104, provides for the creation in each county of the State of Indiana of a county committee for the reorganization of school corporations and the section also prescribes its duties. Pertinent to your question, part of the section expressly provides:

“Members of the county committee shall hold office until the reorganization program in the county has been completed for terms of four (4) years subject to replacement as herein otherwise prescribed.”

Section 6(1) of the 1959 Act, as amended and as found in Burns' (1968 Supp.), Section 28-6113, provides for the creation for the state commission for the reorganization of school corporation and Section 6(3) of the act, as found in Burns' (1968 Supp.), Section 28-6115 sets out its powers and duties generally requiring it to advise county committees after due hearing and determination that the requirements of the statute have been met.

Section 11 of the 1959 Act as amended, and as found in Burns' (1968 Supp.), Section 28-6122 expressly states that “when all the counties of the state have been thus reorganized, or on June 30, 1969, whichever is earlier, the state commission shall be dissolved and its functions shall devolve upon the commission on general education of the state board of education.” The Act makes no such express provision concerning the county committees but the same section of the Act which expressly provides for the demise of the state commission states the following:

“When an entire county has been reorganized in the manner and procedure provided in this act (sections 28-6101—28-6131) as amended, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved.”

Also from Section 11, *supra*, of the 1959 Act, it is evident that although the state commission ceased to exist as of June 30, 1969, school reorganization will proceed in all counties where not completed as contemplated by the Act under

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the supervision of the Commission on General Education of the State Board of Education, functioning in place of the state commission, and that other provisions of the 1959 Act will continue in force to accomplish school reorganization.

Indicating further the intention of the Legislature that county committees should continue to function and perform their duties locally, are the provisions of Section 5(6) of the Act as amended, as found in Burns' (1968 Supp.), Section 28-6109, which state where committees require more time beyond the allotted time to perform their duties, they need only apply for an extension of time therefor from the state commission, or that the state commission could grant such extensions of time at its own discretion. The provisions as set out in the previous and in this paragraph were obviously needed in order to give the state commission authority to proceed with school reorganization in counties where it became evident that county committees refused or failed to perform their statutory functions and that in such instances alternative authority should be lodged in the state commission to proceed with the task of school reorganization.

In summary, it should be emphasized that the Legislature has twice stated that county committees will serve until all the schools of their respective counties have been reorganized as contemplated by the Act; once in setting out the provisions for creating the county committees (Burns' Section 28-6104, *supra*), and again in stating that the county committees shall be dissolved only after their respective counties have been completely reorganized as provided by the 1959 Act (Burns' Section 28-6122, *supra*).

From the foregoing, it is my opinion that the Legislature intended that the county committees created by the 1959 Act to initiate school reorganization plans for their respective counties should continue to function until all the schools in their respective counties have been reorganized as contemplated by the Act, and that this would continue to be so even after the state commission had ceased to exist as of June 30, 1969.