that section. They are not required to name the county treasurer as the treasurer of the School Board of School Commissioners unless they so desire. However, in my opinion, if the Board does desire to designate the Marion County Treasurer as the Treasurer of the Board, there is nothing to prohibit it from doing so. Furthermore, since statutory amendment or repeal by implication must be confined to those provisions only which are in irreconcilable conflict with other later provisions, it is my opinion that the Marion County Treasurer would be required to serve as treasurer of the Board if properly appointed.

OFFICIAL OPINION NO. 51
December 4, 1968

MENTAL HEALTH—Payment of maternity expenses of patient on leave of absence from public institution.

Opinion Requested by Dr. William F. Sheeley, Commissioner of Mental Health.

I am in receipt of your letter asking the following questions:

Is the State of Indiana responsible for payment of the hospital expenses incurred for the birth and the care after birth of an illegitimate child born to a state hospital patient who had been on leave of absence from a time prior to the conception of the child until a time subsequent to the delivery of the child? Does the fact that the child has since been made a ward of a Juvenile Court affect the answer?

In 1958 O.A.G. p. 76, the Attorney General was asked whether:
1968 O. A. G.

"the State of Indiana [is] liable for payment of the cost when a patient, while on convalescent leave and physically absent from a state mental hospital is wounded by action of county and state police officers and is hospitalized in another hospital at the direction of an official of the state mental hospital?"

The answer of the Attorney General was based upon one portion of Acts 1947, ch. 300, as amended, the same being Burns IND. STAT. ANN. §§ 52-1131 through 52-1143, which Act is entitled:

"AN ACT concerning medical, surgical or hospital care for certain persons for whom the state or county has the responsibility of furnishing medical, surgical or hospital care, providing for the payment thereof, repealing all laws and parts of laws in conflict herewith and specifically repealing certain laws, and declaring an emergency."

The Attorney General's answer was based on section 5 of that Act, as it had been amended by Acts 1957, ch. 262, § 1, as found in Burns § 52-1135, which section provides in part:

"(b) The necessary cost and expenses which may be incurred upon the placing of an inmate of an institution in a hospital shall be paid by the state out of funds appropriated by section 5a of this act."

The Attorney General applied the principle of statutory construction that words are to be given their usual and customary meaning, interpreted the word "inmate" in the above statute as meaning "occupant," and concluded:

"Therefore, in my opinion, patients absent from the hospital on convalescent leave are not inmates of the hospital; and hence, the state is not liable when such persons are hospitalized in any public hospital including a hospital which is state owned or operated."

However, Acts 1947, ch. 300, has since been amended by Acts 1965, ch. 185, § 1, which added a new section, § 4b, to the original Act. That section, the same being Burns § 52-1134b, provides:
OPINION 51

“Any person who is a patient of any state-supported psychiatric institution who is on leave of absence, convalescent leave or on leave in the care of a family boarding home, and is found to be in need of emergency medical surgical or hospital care, shall be provided such emergency care the same as if he were physically present at the psychiatric institution from which he is on leave of absence, convalescent leave or leave in a family boarding home: Provided, That any such patient may, in case of emergency, be placed in a hospital for care and treatment other than a state-owned or operated hospital.”

The above statute unquestionably overrules the 1958 Opinion of the Attorney General, and would doubtless apply to care and treatment provided the mother of the illegitimate child concerned in your question. However, it is not equally applicable to the child.

“All laws in pari materia, that is, all laws relating to the same subject-matter, should be construed together in determining the legislative intention, and this rule applies although the statutes were enacted at different times and by different legislatures.” Huff v. Fetch, 194 Ind. 570, 577, 143 N.E. 705 (1924).

Acts 1955, ch. 339, the same being Burns §§ 22-409 through 22-418, 22-5035 and 22-5036, is entitled:

“AN ACT concerning the maintenance of and the furnishing of clothing to patients in psychiatric hospitals of the state, providing for the collection of maintenance claims, making an appropriation, and providing for the disposition of the money received from the collection of maintenance payments.”

The titles of Acts 1955, ch. 339, and Acts 1947, ch. 300, indicate that the two Acts are in pari materia. The first section of the 1955 Act, Burns § 22-409, contains this definition:

“A ‘patient’ means any mentally ill person, or any person who appears to be mentally ill, who is in or
under the supervision and control of any psychiatric hospital, or who, because of mental illness, is under the supervision and control of any circuit or superior court of this state.”

The child involved in your question would not fit within the above statutory definition of “patient,” nor would the child be considered a patient when that word is given its usual and customary meaning. Thus the statute requiring the State to pay for treatment received in a private hospital by a patient of a state mental institution would not apply.

Therefore, it is my opinion that the State is not liable for hospital expenses incurred in the birth and the treatment after birth of an illegitimate child to a patient of a state hospital institution when that patient is on leave of absence from that institution. The fact that the child was later made a ward of the juvenile court does not affect this conclusion, although it would determine who would be liable for the care and maintenance of the child subsequent to the court order. See Acts 1945, ch. 356, § 19, as last amended by Acts 1965, ch. 143, § 1, the same being Burns § 9-3219.

Although not directly pertinent to your question, I might suggest that determination of the agency responsible for the payment of the child’s expenses would be facilitated by consideration of Acts 1909, ch. 154, § 10, the same being Burns § 52-514, which provides in part:

“The necessary expenses of the confinement of the mother of an illegitimate child and the care of the child in any maternity hospital, as defined in section 2 of this act, or other place designated for the care of such child by the board of state charities [now the department of public welfare], shall, unless paid within four months after such confinement, be a charge upon and collectible from the county in this state in which such woman had legal settlement immediately before entering such maternity hospital, and shall be paid by the proper officials of such county upon due proof thereof, to the person or institution entitled to reimbursement or the board of state charities. . . .”
OPINION 52

In short, it would appear that the expenses involved in your question are a debt of the county in which the mother of the child is a resident, rather than of the State of Indiana or any department or agency thereof.

OFFICIAL OPINION NO. 52
December 4, 1968

AGRICULTURE—Appropriation of funds for research to control and eradicate johnson grass.

Opinion Requested by Hon. Wilbur E. Newlin, State Senator.

This is in response to your questions concerning the Johnson Grass Study Committee. Your questions are as follows:

1. Is there any method by which an additional appropriation to Purdue University can be obtained?

2. Can the Johnson Grass Study Committee permit its name to be used by non-profit farm organizations in soliciting contributions to the State of Indiana to be used for Purdue University?

The Johnson Grass Study Committee was created by concurrent resolution of the General Assembly in 1963, Acts 1963, ch. 407, and section 1 provides that it shall continue to function until the concurrent resolution is abrogated by the Legislature. The powers and duties of the Committee are specified in Acts of 1961, ch. 359, § 1, to be devising means for the control and eradication of johnson grass (sergum halepense). Pursuant to section 5 of the 1963 resolution, the Committee functions under the guidance of the Indiana Legislative Council and reports its activities to the Governor and the General Assembly as directed by the Council.