ination of the provisions of the Articles of Partnership, I could not say, as a matter of law, that they show on their face a violation of your Rule 9 on the basis of any attempt of subterfuge for the solicitation of business. The board has a right to apply its rules administratively to a given set of facts before it for its official action with a right of rehearing in the event of denial of a license and a judicial review thereafter by a court to determine if such action of the board is arbitrary or capricious.

OFFICIAL OPINION NO. 22
March 16, 1962

Mr. J. B. Kohlmeyer, Director
State Commission for the Reorganization of School Corporations
1015 State Office Building
Indianapolis, Indiana

Dear Mr. Kohlmeyer:

Your letter of March 1, 1962, has been received requesting an Official Opinion on the following questions:

"1. In a county which has been completely reorganized into two community school corporations pursuant to the School Corporation Reorganization Act, Chapter 202 of the 1959 Acts as amended (Burns #28-6101 et seq.), may these new school corporations be consolidated into one Metropolitan School District covering the entire county pursuant to Chapter 226 of the 1949 Acts as amended (Burns #28-2442). Relative to this question your attention is invited to Sections 10 and 11 of Chapter 202 of the 1959 Acts (Burns #28-6121 and 6122) as well as Chapter 226 of the 1949 Acts.

"2. Assuming an affirmative opinion as to the above question, would the approval required under Section 10 of Chapter 202 of the 1959 Acts be required prior to or after any referendum that might be held relative to establishing a Metropolitan School District pursuant to paragraph (c) of Section 12 of Chapter 226 of the 1949 Acts (Burns #28-2442)."
Acts of 1959, Ch. 202, Sec. 10, as found in Burns' (1961 Supp.), Section 28-6121, provides as follows:

"From and after the effective date of this act, no consolidation or reorganization of school corporations, by means of or procedures under existing laws of this state in effect on the effective date of this act, shall become effective until and unless such consolidation or reorganization is approved by the state commission. Except to the extent set forth in the immediately preceding sentence of this section 10, this act is intended to be and shall be construed as being supplemental to all existing laws appertaining to public schools in this state."

Acts of 1959, Ch. 202, Sec. 11, as found in Burns' (1961 Supp.), Section 28-6122, further provides:

"(1) When an entire county has been reorganized in the manner and procedure provided in this act, or at the end of four [4] years from effective date of this act, whichever is earlier, the respective county committees shall be dissolved.

"When all the counties of the state have adopted reorganization plans, or at the end of four [4] years from the effective date of this act, whichever is earlier, the state commission shall be dissolved and its function shall devolve upon the commission on general education of the state board of education.

"(2) After a county committee has been dissolved, if local school trustees or the state superintendent of public instruction deems further reorganization necessary to improve educational opportunities for the pupils in the county, such local school trustees or the state superintendent of public instruction shall submit proposed changes to the state commission, if in existence at the time, or if the state commission has been dissolved, to the commission on general education of the state board of education. If the changes proposed by such local school trustees or the state superintendent of public instruction are approved by the state commission, or by the general commission of the state board of education,"
education if the state commission has been dissolved, the proposal shall be submitted to the electors of the corporations affected in the same manner as provided in section 7 hereof, so far as applicable, and the change effected in the same manner.”

Acts of 1949, Ch. 226, Sec. 12, as last amended by the Acts of 1959, Ch. 261, Sec. 2, as found in Burns’ (1961 Supp.), Section 28-2442, provides, in part, as follows:

“In any county or adjoining counties any two [2] or more school corporations, including but not limited to, school townships, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, or township school districts, whether or not such consolidating school corporations are of the same or of a different character, may consolidate into one metropolitan school district. Such consolidation shall be initiated by following the procedures set out in either subsection (a) or subsection (b) of this section.”

Section 10 of the Reorganization Act, supra, specifically provides that, except for the requirement that consolidations or reorganizations of school corporations by means of procedures under existing consolidation laws must have the approval of the State Commission for the Reorganization of School Corporations, the Reorganization Act of 1959 is intended to be and shall be construed as being supplemental to all such existing laws. I am, therefore, of the opinion, in answer to your first question, that where a county has been completely reorganized into two community school corporations pursuant to the School Corporation Reorganization Act of 1959, that a further consolidation of said two units could be made under said Metropolitan School Consolidation Act, Burns’ 28-2442, supra, providing it has the approval of the State Commission for the Reorganization of School Corporations. Since the reorganization statute of 1959 is supplemental to all such laws and has at great length provided for the manner of the election or appointments of school boards, I am of the opinion the act should be construed to require that any such metropolitan school corporation later so effected should meet in its plans for consolidation the requirements of said
Reorganization Act as to school boards and their manner of appointment or election.

I am further of the opinion such merger of the two reorganized school corporations could be effected under the procedures provided in Sec. 11 of the Reorganization Act of 1959, Burns' (1961 Supp.), Section 28-6122, supra, since this procedure is specifically authorized and provides for an election on the plan, including an election by the entire county pursuant to the provisions of Burns' (1961 Supp.), Section 28-6118, being Sec. 7 of the Reorganization Act.

In answer to your second question, I am of the opinion both Section 10 and Section 11 of said Reorganization Act, supra, contemplates an approval by the State Commission for the Reorganization of School Corporations, if in existence, or if not in existence by the General Commission of the State Board of Education, prior to the time such consolidation of said two units becomes effective.

OFFICIAL OPINION NO. 23
March 23, 1962

Mr. Harold F. Brigham, Secretary
Indiana Commission on Public Records
Indiana State Library
140 North Senate Avenue
Indianapolis 4, Indiana

Dear Mr. Brigham:

This is in answer to your recent letter requesting an Official Opinion upon the following questions:

"1. Does the Commission on Public Records continue in existence and, if so, what are its powers and duties with reference to those of the Department of Administration?"

"2. To what extent are the powers and duties of the State Library affected by the Administration Act of 1961 in reference to public records?"

"3. What are clearly the powers and duties of the Administration Department under its Act of 1961,"