Hon. Roy T. Combs  
Auditor of State  
Room 238 State House  
Indianapolis, Indiana

Dear Mr. Combs:

This is in reply to your letter of January 23, 1958, in which you request my Official Opinion concerning the Acts of 1957, Ch. 291, Sec. 3. Your letter states that the Acts of 1957, supra, require that all claims for the World War II Bonus and Korean Bonus are to be paid on or before June 30, 1958, and that any money remaining in the "World War II Bonus Fund," as of June 30, 1958, after payment of all claims, with the exception of $100,000, shall be transferred to the Veterans' Memorial School Construction Fund. Further, you specifically ask the following questions:

"1. What disposition shall be made of any claims held in abeyance because of unresolved questions after June 30, 1958?

"2. Because of the peculiar nature of problems involved, it will be necessary to maintain two or more employees at the Bonus Division after June 30, 1958 to receive and answer mail and be available during the Board of Accounts examination. From what source will funds be available to pay administrative costs for maintaining these employees at the Bonus Division?

"3. Is the $100,000.00 provided to remain in the Bonus Fund available to be used for administrative expenses after June 30, 1958 or to pay claims unresolved after June 30, 1958?

"4. If your answer to Question #3 is in the negative, what disposition shall be made of the $100,000.00?"

Before answering your questions it would be well to point out that according to the records of the Bonus Division all World War II Bonus claims have been processed, paid or
denied, and the files closed. Therefore your question only relates to problems arising from the payment of the Korean Bonus.

Acts of 1955, Ch. 249, Sec. 3, as amended by Acts of 1957, Ch. 291, Sec. 3, as found in Burns' (1957 Supp.), Section 59-1422, reads as follows:

"From and after the effective date of this amendatory act [March 14, 1957], any claim for the payment of a bonus, payable under the provisions of this act, to any veteran of the Korean conflict or campaign shall be filed with and processed by the auditor of state: Provided, That all disputed claims shall be submitted to and reviewed by the veterans' affairs commission, and no disputed claim shall be allowed by the auditor of state unless first approved and allowed by such commission. The auditor of state shall pay out of the remaining balance in the World War II bonus fund any and all claims that have been processed and allowed by the auditor of state: Provided, That all claims under the terms of this act shall be filed with the auditor of state on or before April 1, 1957: Provided, That any written communication, bearing a postmark date of not later than April 1, 1957, forwarded to the auditor of state through the United States mail, which written communication contains therein an application for the payment of any bonus provided herein, or contains a request for an application form, shall be deemed to be a timely application: Provided, further, That all claims under the terms of this act shall be paid on or before June 30, 1958: Provided, further, That any money remaining in the World War II bonus fund of June 30, 1958 after the payment of all bonus claims, with the exception of one hundred thousand dollars [$100,000], shall be transferred to the veterans memorial school construction fund by the auditor of state."

It should be noted that the cut-off date for payment of the Korean Bonus is June 30, 1958, and after that date all moneys remaining in the World War II Bonus Fund, with the exception of $100,000.00 shall be transferred to the Veterans' Memorial School Construction Fund by the Auditor of State.
However, as your first question points out, it is feasible that there may be claims held in abeyance because of unresolved questions after June 30, 1958. This situation could conceivably arise where a claim was disputed and had not been resolved by the cut-off date, or in cases wherein guardians had not been appointed to receive checks for minors who are next of kin; or where Korean veterans, having filed for the bonus, might be awaiting adjudication of disability by federal authorities.

"* * * A statute is passed as a whole and not in parts or sections and is animated by one general purpose and intent. Consequently, each part or section should be construed in connection with every other part or section so as to produce a harmonious whole. * * *


The fact that the Legislature has provided $100,000.00 to remain in the World War II Bonus Fund after June 30, 1958, indicates a legislative intent that some claims might remain to be paid after June 30, 1958. Therefore, in answer to your first question, it is my opinion that if any claim has not been processed as of June 30, 1958, due to unavoidable delay, the Legislature has contemplated and provided funds for the payment after that date, and these claims should be processed as soon as possible after that date.

In answer to your second question, concerning payment of administrative costs after June 30, 1958, I refer you to Acts of 1955, Ch. 249, Sec. 4, as found in Burns' (1957 Supp.), Section 59-1423, which reads as follows:

"All expense of the administration of this act and the processing and payment of said claims shall be paid out of the World War II bonus fund."

Under authority of the above, it is my opinion that administrative costs after June 30, 1958, may be paid from the $100,000 remaining in the World War II Bonus Fund.

Your third question has been answered by my above discussion. The $100,000 which remains in the World War II Bonus Fund may be used for both administrative expenses after June 30, 1958, and to pay unresolved claims after that date.

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Your fourth question also concerns the disposition of the $100,000 remaining in the World War II Bonus Fund and has been answered in part by the above. It should be further pointed out that after claims and administrative costs have been paid from the remaining $100,000 in the World War II Bonus Fund, the remaining moneys shall be transferred to the Veterans’ Memorial School Construction Fund by the Auditor of State pursuant to Acts of 1955, Ch. 312, Sec. 2, as amended by Acts of 1957, Ch. 2, Sec. 1, as found in Burns’ (1957 Supp.), Section 28-176.

In summary, in answer to Question No. 1, the claims should be adjudicated as soon as possible after June 30, 1958.

In answer to Question No. 2, specific authority is contained in the Acts of 1955, Ch. 249, Sec. 4, to expend moneys from the World War II Bonus Fund for administrative expenses.

In answer to your Question No. 3, it is my opinion that the $100,000 remaining in the World War II Bonus Fund may be used for payment of claims and administrative expenses after June 30, 1958.

In answer to Question No. 4, any amount remaining in the World War II Bonus Fund after payment of claims and administrative expenses must be transferred to the Veterans’ Memorial School Construction Fund.