lated to the credit of the teacher in her name in the Teachers’ Retirement Fund. The teacher had named his spouse as his co-annuitant under the provisions of the Teachers’ Retirement Fund Statute prior to the adoption of the Acts of 1955, Ch. 329, supra. In 1955 O. A. G., page 146, No. 38, at page 150, it was specifically held the general rights of naming beneficiaries and making elections as to death or retirement benefits by teachers would be retained to them under the provisions of the Acts of 1955, Ch. 329, supra. In 1954 O. A. G., page 43, No. 14 and 1954 O. A. G., page 49, No. 15, it was held that a designation of a beneficiary or co-annuitant under a prior teachers’ retirement statute would carry over to the 1953 Teachers’ Retirement Fund Statute, where it was of a beneficial nature.

From the foregoing, I am of the opinion a co-annuitant (spouse) or other person so authorized under Section 13 (d), supra, has the right to take a cash settlement of said teacher’s retirement in lieu of the co-annuity benefits and continue to maintain his or her benefits given her under Federal Social Security. The amendment to this statute made by Acts of 1957, Ch. 311, will not affect the above conclusions.

OFFICIAL OPINION NO. 6

March 28, 1957

Mr. Wilbur Young
State Superintendent of Public Instruction
Room 227, State House
Indianapolis, Indiana

Dear Mr. Young:

Your letter requesting an Official Opinion has been received and reads as follows:

“This office has received correspondence from the Speech and Hearing Conservation Advisory Committee, Dr. Raymond Summers, Secretary, which states in part:

“The Committee had occasion to refer to Section 5, Chapter 212, of the Acts of 1941 that dealt with audiometric testing. Since this Act was referred to as a “supplement” to the special
education legislation, there was some question as to whether or not such a screening program could be included as part of special education and, therefore, be reimbursable.

"In view of this request and section 3 of Chapter 212, Acts 1941 (amended by Acts of 1951 and 1953) may this office have your official opinion concerning this problem?"

The Acts of 1941, Ch. 212, Sec. 5, Burns' (1948 Repl.), Section 28-3518 provides that said statute shall be construed as supplemental to the Acts of 1927, Ch. 211, Burns' (1948 Repl.), Section 28-3501 et seq.

Section 6 of said last-referred to statute, Burns' (1948 Repl.), Section 28-3506, concerns classes for disabled children and specifically provides for reimbursement by the State for a part of the excess cost of instruction, whereas, Acts of 1941, Ch. 212, Sec. 3, Burns' (1948 Repl.), Section 28-3516 specifically provides that the costs of such program therein provided for shall be paid by the school corporations. While it authorizes an advancement of funds for such purposes from the State Treasury, with the approval of the Governor, it requires such amount to be repaid to the State Fund within two (2) years after date of advancement from a levy and collection of taxes in the tax district of such school corporation.

A similar request was made, as found in 1948 O. A. G., page 46, No. 10, concerning the interpretation of the provisions of said Acts of 1927, Ch. 211 and the Acts of 1947, Ch. 276, Burns' (1948 Repl.), Section 28-3521, which latter Act also had to do with handicapped children. The opinion observes that while said 1947 statute is declared supplemental to said 1927 statute "there are other provisions in the 1947 Act essentially different from the provisions of the 1927 Act" and concluded that reimbursement be made under each Act in accordance with its own provisions.

For the foregoing reasons I am of the opinion expenses incurred by school corporations under the Acts of 1941, Ch. 212 are not reimbursable even though said Act is supplemental to Acts of 1927, Ch. 211, supra.
Evidently your reference in the last paragraph of your question to Section 3 of Chapter 212 of the Acts of 1941, being amended in 1951 and 1953, refers to the amendments of Section 1 of said Act, Burns' (1955 Supp.), Section 28-3514, as Section 3 does not appear to have been amended. The amendment to Section 1 of said Act does not affect the result reached above.

OFFICIAL OPINION NO. 7

April 2, 1957

Honorable Roy T. Combs
Auditor of State
238 State House
Indianapolis 4, Indiana

Dear Mr. Combs:

I have received your two letters under the date of March 15, 1957, in which you asked the following questions concerning House Bill No. 67, which has been enacted and amends the previously existing Korean Bonus Act:

1. “Please advise the undersigned as to the proper interpretation of Section 2 of House Bill #67. It appears to be ambiguous as to whether or not the applicant must have been in, quote, ‘Korean conflict or campaign,’ as a condition of his eligibility.”

2. “When should I begin payment? * * *”

First, in reply to your inquiry in comparing the amendatory Act to the original 1955 Act, it is to be noted that the original Act referred to “Korean Theatre,” whereas, the present Act eliminates the term “Theatre” and refers only to the “Korean conflict or campaign,” and in addition thereto, specifies duties outside of the continental limits of the United States which did not appear in the original Act.

Section 2 of the amended Act, as taken from House Enrolled Act No. 67, which became Chapter 291 of the Acts of 1957, reads:

“Sec. 2. (a) A bonus in the amount of two hundred dollars ($200.00) shall be paid to each member of the