found in 1945 Indiana O. A. G. pages 217 and 526. While in each of these opinions language is used which would seem to indicate that upon a teacher leaving the employment of a particular school corporation that she would lose her accumulative days of sick leave, each of said opinions were dealing with questions as to whether or not a new or succeeding school corporation would be burdened with such accumulative days. They did not attempt to answer the question here presented.

Since the provisions of this statute regarding sick leave are of a beneficial nature, and since the statute contains no reference to a requirement of continuous employment in a particular school corporation, I am of the opinion a teacher who serves her employment with a school corporation with which she has accumulative days of sick leave to her credit would not be barred from asserting her right to accumulative days of sick leave upon her again being employed by that particular school corporation. As the statutes do not contain a condition of continuous employment, I am of the opinion no such condition can be implied.

OFFICIAL OPINION NO. 37

May 9, 1949.

Mr. Otto K. Jensen,
State Examiner,
State Board of Accounts,
State House, Room 304,
Indianapolis, Indiana.

Dear Sir:

Your request under date of April 20, 1949 for an official opinion is as follows:

"Senate Enrolled Act 120, Ch. 84, Acts 1949, approved and effective March 7, 1949, requires the filing and recording of certain official bonds in the office of county recorder.

"Sec. 2 of said Act defines municipality to mean and include "* * * commissions, bureaus, etc., that are now or hereafter may be created * * *"."
“Sec. 3 of said Act provides for the time and place such bonds shall be presented for filing and recording and Sec. 4 repeals all laws in conflict.

“House Enrolled Act 453, Ch. 261, Acts 1949, approved March 11, 1949, effective July 1, 1949, creates an Off-Street Parking Commission for the City of Indianapolis. Paragraph 2, Sec. 5 of said act requires each commissioner to give bond, which shall be filed with the City Controller.

“The purpose of Ch. 84 was to centralize the filing and recording of official bonds, except those of state officers or officials, while Ch. 261, approved four days later, creates a new commission and requires the filing of such bonds with a different officer.

“We respectfully request an official opinion to the following questions:

“1. Does the provision of Ch. 261 concerning the place of filing the bond take precedence over Ch. 84?

“2. If your answer is in the affirmative, should a copy of such bond be filed and recorded in the office of county recorder?”

It is a rule of statutory construction that when two Acts are passed at the same session of the Legislature, dealing with the same subject matter, the court must so interpret such Acts as to render them harmonious and to give effect and efficiency to both if possible.

Wayne Township v. Brown (1933), 205 Ind. 437; Starr v. City of Gary (1934), 206 Ind. 196.

But where there is irreconcilable conflict one Act must give way to the other.

Ross v. Chambers (1933), 214 Ind. 223.

It is stated in Long v. Kinney et al. (1936), 210 Ind. 192, 198, as follows:

“* * * It is the duty of the court to so construe such statutes, especially those enacted at the same session of the legislature, where such construction
1949 O. A. G.

gives effect and efficiency to both statutes. Of course, if there is conflict between the two Acts, the last one passed must prevail. * * *

Chapter 84, Acts of 1949, appears to be a general act providing places for the filing and recording of all official bonds except bonds of state officers.

Chapter 261, Acts of 1949, enacted later in the same session, conflicts with Chapter 84 by providing that each Commissioner of the Department of Off-Street Parking shall file his bond with the City Controller rather than with the Recorder of the County. Chapter 261, Acts of 1949, applies only to cities of the first class. Since Chapter 261 was enacted at a later time than Chapter 84, the latter enactment will stand as an exception of the general provision. As a matter of record, however, it would be advisable to file a copy of such bond for record in the County Recorder's Office.

WOL: vb

OFFICIAL OPINION NO. 38

May 9, 1949.

Harold F. Brigham, Director,
Indiana State Library,
140 N. Senate Avenue,
Indianapolis, Indiana.

Dear Mr. Brigham:

Your letter of April 7, 1949 has been received requesting an official opinion on the following question:

"Is the status of the State Library changed in its relationship to the State Personnel Board by the effect of Chapter 235, Acts 1949, which amends Chapter 139, Acts 1941 (the State Personnel Act) ?"

Your letter also included the following statement of the history of these statutes:

"The status in question was established by an official opinion of the Attorney General June 22, 1942 which