consideration other statutes in pari materia, either passed before or after the act in question.

Sherfey v. City of Brazil (1937), 213 Ind. 493, 497.

When the provisions of Clause (e) of Section 2 of Chapter 130 of the Acts of 1949 are considered in connection with the provisions of Clause (k) of said Section of said Act, and said act is also considered in connection with the obvious intentions and purposes of the legislature in its enactment, and when we consider the statute's legislative history, it is clear that the legislature intended any money due and payable a teacher and a member of said fund, on her death to be paid to her designated beneficiary and where none was designated that such money be paid to her estate.

I am therefore of the opinion Clause (e) of Section 2 of Chapter 130 of the Acts of 1949 must be construed so that the word “state” as used therein should be “estate.” It is apparent that the letter “e” was inadvertently omitted from the beginning of the word “estate” and is merely a typographical error.

OFFICIAL OPINION NO. 101

October 20, 1949.

Mr. Deane E. Walker
State Superintendent of Public Instruction
State House
Indianapolis, Indiana

Dear Sir:

Your letter of September 29, 1949, has been received requesting an official opinion on the following questions:

“1. Does the teachers’ minimum salary law apply to an attendance officer?

“2. If a school city employs an attendance officer for a term of twelve (12) months on the teachers’
wage law, is it mandatory upon the county to pay said attendance officer from county funds the full amount of said contract?"

1. In answer to your first question it is pointed out that the teachers’ minimum salary act is Chapter 224 of the Acts of 1949. Section 1 of said act in part reads as follows:

"The term 'teacher' as used in this act shall be construed to include all persons working in or for the kindergarten, elementary, and secondary grades of all schools of this State supported by public taxation heretofore and hereby required by law to secure the proper kind and grade of license as determined by the licensing board of the state department of education as a prerequisite to the performance of such work."

In an official opinion of this office, same being 1943 O. A. G. 384 (Indiana), it was held that under the previous statute (Section 1, Chapter 112, Acts 1943) that an attendance officer was a teacher within the definition of the word "teacher" as used in said act. That opinion pointed out the fact that attendance officers are licensed and regulated by the State Department of Education.

The statute there involved is for the purposes herein mentioned practically identical with the 1949 law. Said opinion clearly establishes that attendance officers are entitled to the minimum teachers’ salary specified in the 1949 Act.

2. In answer to your second question it is provided by Section 28-502 Burns 1948 Replacement same being Section 1, Chapter 294 Acts 1943 that "Appointive attendance officers shall take office on the first of August and shall hold office for one (1) year * * *.”

Section 1 of Chapter 224 of the Acts of 1949, provide in part as follows:

"Should the school term, contract or appointment in any school corporation be more than eight months the basic salary as above set out shall be proportionately increased or decreased as the case might be."
Under the provisions of Section 28-501 Burns 1948 Replacement it is made mandatory for every county and city having an average daily attendance of 1,500 or more children of school age to appoint one attendance officer and additional attendance officers may be appointed for every additional 7,500 children of school age in average daily attendance. Under this section any additional attendance officers employed by the city and not required to be employed under this section of the Statute must be paid for by the school city.

Section 28-503 Burns 1948 Replacement same being Section 1 Chapter 294 of the Acts of 1943 provides in part as follows:

"Appointive attendance officers, unless otherwise provided in this act, shall have their salaries fixed by the appointing board and shall further receive actual expenses necessary to the proper performance of their duties, said salaries and expenses to be paid by the county treasurer upon a warrant signed by the county auditor, and the county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make such payments. No warrant for the payment of such compensation or expenses shall be issued to any attendance officer until such officer shall have filed with the county auditor an itemized statement of the time employed and the expenses incurred, and until such statement shall have been approved and certified as correct by the superintendent of schools under whom the said officer serves. Ex officio attendance officers shall serve without compensation."

The above statute was construed by the Supreme Court of Indiana in the case of State ex rel. v. Steinwedel (1932), 203 Ind. 457, 472 to 474, where the court in construing said act, prior to its amendment, held that under these provisions it was mandatory on the county to pay the salary of the attendance officer fixed by the proper appointing agency, which in case of a city was the City Superintendent of Schools. On this question also see 1945 Indiana O. A. G. 552, Official Opinion No. 127, where a like result was reached.
No material change is made in said statute by the amendment affecting the question at issue.

It is to be noted that under the last above quotation taken from Section 1 of Chapter 224 of the Acts of 1949, it is required that any appointment in a school corporation for more than eight (8) months must be proportionately increased. This would apply to the minimum salary of such attendance officer on a twelve (12) months basis as that provision is mandatory.

In answer to your second question, I am therefore of the opinion if a school city employs attendance officers having a term of twelve (12) months, and fix such attendance officers' salaries, that the county must pay said attendance officers from county funds the full amount of such contract which can not be less than the minimum teachers' salary for eight (8) months as proportionately increased for the twelve (12) months' period of employment. This would only apply to those attendance officers required by statute to be employed by the City by reason of the average daily attendance in the school.

OFFICIAL OPINION NO. 103
October 24, 1949.

Public Service Commission of Indiana
Indianapolis, Indiana

ATTENTION: Mr. Lester R. Lasley
Director, Tariff Bureau

Dear Sir:

I acknowledge your request of July 26, 1949, for an opinion. Your request is in the following language:

"Under the 1935 Motor Vehicle Act, the Public Service Commission of Indiana is authorized to promulgate rules and regulations applicable to common and contract motor carriers operating over the highways of the State of Indiana.

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