OPINION 112

OFFICIAL OPINION NO. 112

November 17, 1949.

Mr. Robert B. Hougham
Executive Secretary
Indiana State Teachers' Retirement Fund
336 State House
Indianapolis 4, Indiana

Dear Sir:

Your letter of October 3, 1949, received and reads as follows:

"The proportion of his contributions which may be withdrawn by a member of the Teachers' Retirement Fund was set forth in Acts 1921, Chapter 256, Page 754; and has remained unchanged until 1949.

"In Acts 1949, Chapter 130, Page 348, a new basis of withdrawal is authorized, more favorable to teachers withdrawing after short periods of service.

"We request your official opinion as to whether the 1949 Act applies to all members of the retirement fund, or only to those who have accepted its provisions, as set forth in Section 2, sub-section (n) of the said Act of 1949."

It is to be noted Section 2, Chapter 130, Acts of 1949, clause (n) provides as follows:

"In case any teacher shall fail to apply in writing for the benefits and obligations conferred by this act, on or before July 31, 1951, he shall continue in prior contractual relationship to the fund. Affidavit to evidence eligibility to receive annuity under this act may be required by the Board from any or all annuitants not more than once a year."

Each successive amendment to the teachers' retirement law, since its enactment in 1915, has carried a similar provision to the one above quoted. It has been the consistent construction of this office that teacher's rights in the retire-
ment fund is governed solely by the provision of the law under which she claims membership therein. 1938 Ind. O.A.G. 399; 1940 Ind. O.A.G. 87; 1945 Ind. O.A.G. 521, 525, official opinion No. 119; 1948 Ind. O.A.G. 253, 255, official opinion No. 42.

I am, therefore, of the opinion the schedule of the per cent of contribution which may be withdrawn by a member of the teachers' retirement fund as set forth in Section 1, (e), Chapter 130, Acts of 1949, applies only to members becoming members under or electing to come under the 1949 retirement act.

OFFICIAL OPINION NO. 113

November 18, 1949.

Honorable Albert Ellis
Superintendent Indiana State Farm
Greencastle, Indiana

Dear Sir:

I have your request for an official opinion which is as follows:

"At the last meeting of our Board of Trustees I was instructed to request an opinion from you on the paying of $10.00 reward for the re-capture of Inmates who escape from this Institution.

"For the past several years it has been the policy of this Institution to pay this reward to anyone who captures an escapee, including City Police and County Sheriffs. The State Board of Accounts has questioned the legality of this practice, particularly in cases where payments are made to City and County Law Enforcement Officers.

"The Board of Trustees and I feel, however, that we should continue to pay this reward as it provides incentive for such officers to put forth added effort to re-capture fugitives from the State Farm. In many cases they probably would not go out of their way to apprehend these escapees."