

municipality or political subdivision of the state to furnish services and facilities of the division to such municipality or political subdivision in the administration of its personnel on merit principles. Municipalities and local units of government are expressly authorized under this section to enter into such agreements, and thereby make the Personnel Act applicable to its employees. Section 30 of said Act (Burns' 1943 Repl., Sec. 60-1330) provides for the adoption of rules concerning hours of work, holidays and vacations. Therefore, if any local units of government have entered into such agreements it would seem that the provisions of the Personnel Act, and the rules adopted pursuant thereto concerning vacations, would be applicable to such local units of government.

OFFICIAL OPINION NO. 66

July 17, 1945.

Hon. Clarence E. Ruston, State Examiner,
 State Board of Accounts,
 State House,
 Indianapolis 4, Indiana.

Dear Sir:

Your letter has been received in which you request an official opinion on the following question:

“If the wife of a member of the armed forces engaged in World War II dies, is the husband or other interested person entitled to the benefits of Section 1, Chapter 55, Acts of 1943?”

Section 59-1009 Burns' 1943 Replacement, same being Section 1, Chapter 55, Acts 1943, provides as follows:

“Whenever any honorably discharged soldier, sailor or marine, who may have at any time served as a regular or volunteer soldier, sailor or marine, in the army or navy of the United States, or the wife, or widow of any such soldier, sailor or marine, resident of any county of this state, other than the inmates of the Indiana State Soldiers' Home or the National Mili-

tary Home in Grant County, or whenever any member of the armed forces engaged in World War II, resident of any county of this state, has died or shall die hereafter, upon claim filed by any interested person with the board of commissioners of the county, stating the fact of such service, death and discharge, and that the body has been buried in a decent and respectable manner in a cemetery or burial ground, such board of commissioners shall investigate, hear and determine such claim like other claims, filed for allowance by them, and if, the facts averred are found to be true, such board shall consider, also, the tribute of respect due to such soldier, sailor or marine and make allowance of such claim in a sum not exceeding seventy-five dollars (\$75.00) for service rendered and material furnished in care of such body and such burial; And be it further Provided, That in case of such death and burial, it is averred in such claim and proven that from actual necessity a burial place not to exceed the sum of twenty-five dollars (\$25.00) for the body of such soldier, sailor or marine, or the body of the wife, or widow of such soldier, sailor or marine, or for the body of any such member of the armed forces who was engaged in World War II, was purchased in any cemetery, such board shall make further reasonable allowances in payment for such burial place, and such allowance in either or both cases shall be paid from the funds of such county, as now provided by law."

The above statute contained an emergency clause, was approved by the Governor on February 22, 1943, and was in full force and effect on said date.

Section 59-1007a Burns' 1943 Replacement, same being Section 1 of Chapter 254, Acts of 1943, as amended by Chapter 141 of the Acts of 1945, provides as follows:

"That all persons who have served, or are now serving, or who may hereafter serve as a part of the armed forces of the United States in the present war with Germany, Italy, Japan, or any of its allies, and any person who served in the active military or naval service on or after September 16, 1940 and prior to

the termination of the present war, and who shall have been discharged or released therefrom under conditions other than dishonorable, and the wives, widows, and children of such persons heretofore mentioned, who are residents of the state of Indiana, shall have and are hereby given all the rights and privileges now held and enjoyed by soldiers, sailors, nurses and/or other veterans, their wives, widows, and children, of the first world war, under existing statutes or under any statute which may hereafter be enacted."

The last mentioned statute, as so amended, contained an emergency clause, was approved by the Governor on March 5, 1945, and was in full force and effect on that date.

Under the first cited statute the wife of an honorably discharged soldier, sailor or marine who has served as a regular or volunteer soldier, sailor or marine in the Army or Navy of the United States is entitled to the benefits of said Act.

Under the second cited statute the Legislature has clearly stated, "all persons who have served, *or who are now serving*, or who may hereafter serve as a part of the Armed Forces of the United States in the present war * * * and the wives, * * * shall have and are hereby given *all of the rights and privileges now held and enjoyed by soldiers, sailors, nurses and all other veterans, their wives, * * * under existing statutes or any other statute which may hereinafter be enacted.*" (Our emphasis.)

Chapter 55 of the Acts of 1943 must be construed in *pari materia* with Chapter 141 of the Acts of 1945. See:

Lasear, Inc. v. Anderson (1934), 99 Ind. App.
428, 433, and cases cited.

When so construed it is apparent that the Legislature intended to give to all persons who are now serving in the Armed Forces of the United States in the present war, and from September 16, 1940, and to the wives of such persons, the same burial benefits now accorded honorably discharged soldiers, sailors or marines who have previously served as regular or volunteer members of the Army or Navy of the United States or to the wives of such honorably discharged soldiers, sailors or marines.

It is therefore my opinion that on the death of the wife of a present member of the Armed Forces of the United States in the present war, the claim for the burial benefits authorized by Section 1, Chapter 55 of the Acts of 1943, may be paid.

OFFICIAL OPINION NO. 67

July 18, 1945.

Miss Irene F. Prosch, Secretary,
State Board of Beauty Culturist Examiners,
301 State House,
Indianapolis, Indiana.

Dear Miss Prosch:

Your letter of July 12, 1945 received requesting an official opinion on the following question:

“May a Beauty School conduct one class of no more than 8 hours in day time and also conduct an evening class of no more than 8 hours, or is such school restricted to one course of no more than 8 hours in a 24-hour period?”

The answer to your question is governed by the provisions of Section 63-1803 Burns' 1943 Replacement, same being Section 3, Chapter 72, Acts 1935, which in part provides:

“No school of beauty culture shall be licensed and approved by the board to operate as such, unless it requires as a prerequisite to graduation a course of instruction of not less than one thousand (1,000) hours of continuous instruction of not more than eight (8) hours in any one (1) working day, * * *.”

From the above language it is clear the Legislature intended to require *any course* of instruction to be not less than one thousand (1,000) hours of continuous instruction of not more than eight (8) hours in any one (1) working day. Nowhere in said statute has the Legislature prohibited any such school of beauty culture from having a day course and a separate night course, nor has it prohibited such schools from having