PUBLIC INSTRUCTION: Eligibility of school corporation to receive the tuition fund distribution under Chapter 96 of Acts of 1933 as amended by Chapter 194 of Acts of 1937 for teaching units that are covered by non-teaching principals and supervisors.

May 6, 1943.

Hon. Clement T. Malan,
State Superintendent of Public Instruction,
Indianapolis, Indiana.

Dear Dr. Malan:

I am in receipt of your letter dated April 27, 1943, requesting my opinion upon the following question, to-wit:

"Is a school corporation eligible to receive the tuition fund distribution under the Tuition Support Act of 1933 as amended in 1937 for teaching units that are covered by non-teaching principals and supervisors."

The original Act was Chapter 96, Acts of 1933, and Section 2 of said Act, Burns' 1933, Section 28-1002, in part reads as follows:

"The term 'persons engaged in the work of instruction' and the term 'instructor' shall include only those persons who are actually engaged in the conduct of regular classes of instruction in the schools."

Chapter 96, Acts of 1933, was amended by Chapter 194, Acts of 1937, being Burns' R. S. Pocket Supplement, Section 28-1002, wherein Section 2 of the original Act was amended to read as follows:

"The term 'persons engaged in the work of instruction' and the term 'instructor' shall include those persons legally licensed as teachers, principals or supervisors, who are employed under contract and receive not less than the minimum wage provided for by the teacher's minimum wage law."

Answering your question it is my opinion that under the language contained in Section 2 of Chapter 194, Acts of 1937, Burns' R. S. 1933 Pocket Supplement, Section 28-1002, non-teaching principals and supervisors are included in the teaching units, provided such nonteaching principals and super-
visors are legally licensed and are employed by the school corporation under contract and receive not less than the minimum wage provided for by the Teachers' Minimum Wage law.

Chapter 96 of the Acts of 1933 and all Acts amendatory thereto, are expressly repealed by Section 9 of Chapter 263, Acts of 1943, which repeal shall be effective upon the taking effect, as provided by law, of Chapter 263 of the Acts of 1943. Chapter 263 of the Acts of 1943 does not contain an emergency clause and therefore will not be effective until the Acts of 1943 have been duly distributed by the Secretary of State and the Governor has issued his proclamation as provided by law. In the meantime, and until Chapter 263 of the Acts of 1943 becomes effective, Chapter 194 of the Acts of 1943, Burns' R. S. Pocket Supplement, Section 28-1002 remains in full force and effect. In this connection, I call your attention to Burns' R. S. 1933, Section 1-302, which reads:

"No rights vested, or suits instituted, under existing laws shall be affected by repeal thereof, but all such rights may be asserted, and such suits prosecuted, as if such laws had not been repealed."

Under this statute any rights accrued under the provisions of Section 28-1002, supra, prior to the effective date of Chapter 194, Acts 1943, will be vested and remain in full force and effect.

INSURANCE COMMISSIONER: Foreign Casualty Company admitted to do business in Indiana prior to effective date of 1935 Act, right of same to write other classes authorized by its charter.

May 6, 1943.

Hon. Frank J. Viehmann,
Insurance Commissioner,
Department of Insurance,
State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of March 23, requesting an opinion concerning eligibility of the Fidelity