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community through counseling and education and should not be expended to pay the expenses for the individual members of the group.

Therefore, in answer to your third question, it is my opinion that the County Agricultural Extension Service Office Agent cannot use money appropriated to this office to pay the personal expenses of individuals attending either the various activities of the 4-H Club or the activities sponsored by other county agricultural organizations.

OFFICIAL OPINION NO. 15
April 19, 1960

Hon. William E. Wilson
State Superintendent of Public Instruction
227 State House
Indianapolis, Indiana

Dear Mr. Wilson:

Your letter of April 4, 1960, has been received and reads as follows:

“May I have an Official Opinion interpreting Chapter 379, Indiana Acts 1959 (Burns, Section 28-186 et seq.) herein referred to as the ‘2½% Loan Act.’ The facts to which this request relates are as follows:

“The County School Corporation of Brown County, Indiana (herein referred to as the ‘Brown County School Corporation’), was organized on or about August 1, 1950, under the terms of Section 2 of Chapter 226, Indiana Acts 1949 (Burns, Section 28-2432) by the consolidation of five school townships. The civil county of Brown County, Indiana, is composed of only five townships; there were not prior to, and have not been since, the formation of the Brown County School Corporation any school towns or school cities within the boundaries of the civil county; and the boundaries of the Brown County School Corporation are coterminous with the boundaries of the civil county.

“There has been no reorganization of school corporations involving the Brown County School Corporation

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under Chapter 202, Indiana Acts 1959 (herein referred to as the 'Reorganization Act'). It is highly improbable that there will be any such reorganization. The Brown County School Corporation qualifies for a 2½% loan under the 2½% Loan Act unless this act applies solely to school corporations organized by consolidation occurring subsequent to its effective date, which is March 14, 1959.

"Based on these facts, I request an answer to the following questions:

"1. Does the 2½% Loan Act apply solely to school corporations organized by consolidation subsequent to its effective date and is the Brown County School Corporation excluded from relief under this act?

"2. If the Brown County committee and the State Commission (set up under the Reorganization Act for the reorganization of schools) each determine after proper hearings that no reorganization of school corporations should occur in Brown County, Indiana, will this change the answer to question 1, assuming the answer would otherwise be affirmative?"

Acts of 1959, Ch. 379, Sec. 1, as found in Burns’ (1959 Supp.), Section 28-186, provides, in part, as follows:

"The provisions of this act shall apply only to those consolidated school corporations that have an average daily attendance not less than two hundred and seventy [270] resident pupils in grades nine [9] through twelve [12], as reported to the state superintendent of public instruction and which, subsequent to the effective date of this act [March 14, 1959], have been organized and formed by the consolidation of two [2] or more school townships or by the consolidation of one [1] or more school townships and a school city, school town, or consolidated school corporation in existence at the time of the effective date of this act."

Since this consolidation referred to in your letter was made long before the enactment of the above statute, in my opinion
it is not entitled to consideration for advancement of money at the present time and, therefore, the answer to your question No. 1 is in the negative.

In answer to your second question, I am of the opinion the foregoing quoted provisions of the statute, as well as the provisions of the School Corporation Reorganization Act of 1959, being Acts of 1959, Ch. 202, have, for their purpose, the establishment of larger school units. A full consideration of Acts of 1959, Ch. 202, as found in Burns' (1959 Supp.), Section 28-6101 et seq. and particularly Sections 3, 5 and 11 of said Act, same being Burns' Sections 28-6102, 28-6110 and 28-6122, indicates that all school corporations of the state shall be "reorganized" under the provisions of the statute regardless of whether they are now county units or not. It seems to include all school corporations. It is clear that such a reorganization would be in the nature of a consolidation of the entire area covered and that such a consolidation would take place after the effective date of Acts of 1959, Ch. 379, supra. It is true that it would not be a consolidation of individual townships, school corporations, or town school corporations with each other or with a consolidated school corporation, all of which were individually in existence at the time of the effective date of said Acts of 1959, Ch. 379, as provided in said statute. However, I do not believe that this would be controlling for as above stated the intent and purpose of this legislation seems to be to encourage larger school units and the restrictions on the advancements from the Common School Fund under the 1959 law above quoted, would, in fact, in this instance amount to a denial to an entire county unit of the benefits of said statute even though reorganized since 1959, while at the same time affording such benefits to other comparable county units formed subsequent to the 1959 statute.

Without attempting in any way to decide the constitutionality of the restrictive features of the Acts of 1959, Ch. 379, as to qualifications for participation in its benefits, I am of the opinion that under the foregoing facts that even though the statute as a whole might be considered constitutional, as to such restrictive provisions, it would, in my opinion, be unconstitutional in its particular application to the county unit in question, providing this school corporation reorganizes under Ch. 202 of the Acts of 1959. A statute may be constitu-
tional in its general application but unconstitutional in its application to a particular set of facts. On this question numerous authorities and texts are cited:

11 Am. Jur., Constitutional Law, §§ 100, 102, 163 and 164, found on pages 733, 738, and 857 to 859.

In answer to your second question, I am of the opinion that if the County School Corporation of Brown County, Indiana, is reorganized pursuant to the provisions of Acts of 1959, Ch. 202, the Indiana Common School Fund Building Commission could accept applications from said school corporation under the provisions of Acts of 1959, Ch. 379.

OFFICIAL OPINION NO. 16

April 20, 1960

Mr. Cecil Bolinger
Executive Secretary
Public Employes' Retirement Fund
145 West Washington Street
Indianapolis 4, Indiana

Dear Mr. Bolinger:

This is in reply to your letter, submitted pursuant to a directive of the Board of Trustees of the Public Employes' Retirement Fund, in which you request my Official Opinion on three questions. The first of these reads as follows:

"1. Mr. X served as an employee of the Public Service Commission of the State of Indiana from April 1, 1945 through July 1, 1948. The Public Employes' Retirement Fund was effective January 1, 1946. In December 1945 Mr. X signed a waiver electing not to participate in the Public Employes' Retirement Fund. Subsequently Mr. X served as a teacher and was a member of the Indiana State Teachers' Retirement System from September 1955 through June 1959 and retired as of July 1, 1959 with 17 years service credit as a teacher.