Hon. John W. Van Ness,
President Pro Tem of the Senate,
State House,
Indianapolis, Indiana.

Dear Senator:

Pursuant to your request, I have examined House Bill No. 2 as engrossed in the Senate under date of February 28, 1951, for the purpose of giving you an official opinion on the engrossed House amendment to Engrossed House Bill No. 2, appearing on page 103 of said Engrossed Bill, concerning distribution of State funds to local school corporations.

Said amendment in substance appropriates for the year 1951-52 a supplementary amount of 3 million dollars and for the year 1952-53 a supplementary amount of 6 million dollars to be used to supplement the existing appropriation of 3 million dollars appropriated annually by Chap. 247 of the Acts of 1949. It provides it is to be distributed to the local school corporations in accordance with the provisions of said statute.

I am of the opinion said amendment is valid and sufficient for such purpose as it would not, in my opinion, be an amendment to Chap. 247 of the Acts of 1949, but would merely be a supplemental bill making a supplemental appropriation for distribution of such additional amount in accordance with the provisions of said prior statute.

However, in my opinion, the title to engross House Bill No. 2 must be amended to make some specific reference to this additional or supplemental appropriation.

It is suggested that the following language be inserted in line 5 of the title, following the words "State teachers colleges", to wit: "and additional—supplemental appropriations for State support of the public school system of the State", would be a sufficient amendment to said title and would be constitutional.

I am of the opinion the title would not be subject to an objection that there would be two subject matters embraced within the title of the insertion of the additional language
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for the reason that the purpose of the budget is for the conduct of the State Government and the school system of the State, even though split up and delegated for administration to various local school corporations, is in fact and in law, essentially a matter of function of State Government under Article 8 of the Constitution of Indiana and as specifically decided by the Supreme Court of the State of Indiana in the following cases: State ex rel. Osborn v. Eddington (1934), 208 Ind. 160-164, 195 N. E. 92; Ratcliff v. Dick Johnson School Township (1933), 204 Ind. 525-531, 185 N. E. 143.

OFFICIAL OPINION NO. 20

March 5, 1951.

Honorable Alembert W. Brayton,
Indiana State House
of Representatives,
Indianapolis, Indiana.

My dear Representative Brayton:

We have received your letter of March 5, 1951, which is as follows:

"Attached hereto is a copy of House Engrossed Bill No. 128, as printed on February 28, 1951, together with certain Senate Amendments.

"I hereby request your official opinion as to whether such bill, if enacted into law in its present form, would be constitutional."

With an appeal for your consideration of the short space of time allowed for an opinion on the expansive question as submitted and in humility expressing a personal intent never to invade the province of the legislative forum, we have considered your question as exhaustively as is possible.

Our consideration of the bill has been in its complete form as submitted and our original reference is to the Constitution of the State of Indiana.

It would appear that said bill in its present form would be seriously questioned on the basis of Section 23 of Article 1 of our state Constitution, which is as follows: