92 contained no emergency clause, so that the section it sought to amend was not in existence when it became effective on the promulgation of the acts. Since Chapter 92 attempted to amend a section not in existence, it was ineffective.

Chapter 172, same being Burns' 49-1002, specifically included county surveyors and provided that the deputy surveyor should receive a salary of not less than $100 per month nor more than $175 per month in counties having a population of not less than 15,000 nor more than 25,000. Inasmuch as this 1945 amendment completely covers the field of salaries for deputy surveyors, it repeals so much of Chap. 263 of the Acts of 1937 as applies to the salaries of deputy surveyors.

I am therefore of the opinion that in counties having a population of not less than 15,000 nor more than 25,000 the salary of a deputy county surveyor is fixed by Chap. 172 of the Acts of 1945.

OFFICIAL OPINION NO. 24
March 20, 1951.

Mr. D. H. Connor, O.D.,
Secretary, Indiana State Board of Registration and Examination in Optometry;
206 Merchants Bank Building,
Terre Haute, Indiana.

Dear Sir:

Your letter of 12 March 1951 has been received, in which you request an official opinion as to the effect of House Bill 119 of the Indiana General Assembly of 1951, upon present applications for annual renewal of license to practice optometry.

Section 2 of said Act creates a program for the training of optometrists at Indiana University. Section 3 of said Act, in part, provides as follows:

"In addition to the annual renewal registration fee provided for by an act entitled * * * each registered optometrist at the time of payment of the annual
registration fee each year shall pay to the secretary of the board an additional fee of seventeen dollars, which shall be deposited in an optometry school account of the state general fund, and all such fees so deposited on or before April 1 of each year, shall on or before July 1 following be paid to Indiana University to be used by it for the advancement of optometrical research and the maintenance and support of the department in which the science of optometry is taught at the University. A sufficient amount to pay the same is hereby appropriated annually out of such account in the general fund of the state treasury not otherwise appropriated.” (Deleted portion refers to title of 1935 optometry statute).

Under the provisions of the law governing renewal of license to practice optometry, annual renewal applications are provided for. (Section 63-1016 Burns 1948 Replacement). This section, in substance, requires the Secretary of your Board to forward renewal application blanks to licensees on or before the 1st of January of each year, and such licensees must fill in and return said blanks, together with a renewal fee of $8.00, or their license will expire. So, the period for payment of annual renewal registration fees for this year, includes a period of time to and including 1 April 1951.

Section 4 of said Act declared an emergency and the Act is now in full force and effect.

It is a rule of statutory construction that courts will look to the general purpose and scope of a statute to determine the legislative intent.

City of Indianapolis v. Evans 1940, 216 Ind. 555, 567;

It has also been held that by declaring an emergency for the taking effect of a statute, the legislature clearly intended the Act to be immediately effective to meet such emergency.

1945 Ind. O. A. G. 36, 141 O. O. No. 29.

From the foregoing, I am of the opinion the additional $17.00 a year to be paid by licensed optometrists is in addition
to the registration fee required by the former statute. It is to be paid at the time for the payment of annual registration fees. Since these fees are payable to and including 1 April 1951 for the present licenses, and since the Act became effective under the emergency clause, immediately upon being signed by the Governor and filed with the Secretary of State, said additional fees should be paid for this year's registration.

You further desire to know if new forms of renewal applications must now be mailed to supplement the old forms already in the hands of such applicants. As above pointed out, this is in addition to the regular renewal fee and I see no necessity of mailing any new forms of renewal applications, but that a notice should be sent to each, advising them of the contents of the statute, and that the additional fee must be paid.

OFFICIAL OPINION NO. 25

March 20, 1951.

Mr. Thomas R. Hutson,
Commissioner of Labor,
Department of Labor,
Room 225, State Capitol,
Indianapolis 4, Indiana.

Dear Mr. Hutson:

Your letter dated March 19, 1951, has been received and reads as follows:

"I am hereby respectfully requesting an official opinion as to legality and enforceability of House Enrolled Act No. 240 of the General Assembly for 1951. This statute creates an Elevator Subdivision with the Division of Labor within the State of Indiana.

"As originally written and introduced into the Legislature, any references in later Sections of the Act referred correctly to the other proper Section of said Act. However, an amendment was made to said Act in the Senate by the addition of a new Section 2, which is entirely an exemption clause and by said amend-