

It is equally clear from an examination of said statute and its preamble, that the legislature recognized the great influx of population in such localities increased the problems of the governmental units therein.

The mere fact a defense plant may cease to operate as such does not necessarily remove the increase in population occasioned by its original establishment in such locality, nor does it necessarily thereby diminish the amount of work such public officers would be required to perform in such instances.

It is to be noted that no practical method is prescribed in said statute for the determination of the question as to when such additional burdens on such governmental units have been removed.

Moreover, Section 9 of said Act places a specific limitation on the expiration of said Act at midnight of March 31, 1947.

I am, therefore, of the opinion that officers named in said Act who became qualified to receive such per diem since the enactment of said statute are entitled to continue to receive the same until the expiration date of said Act, at midnight, March 31, 1947.

OFFICIAL OPINION NO. 24

March 18, 1946.

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

Dear Dr. Malan:

Your letter of February 21, 1946, has been received requesting an official opinion on the following questions:

"1. Does the State Committee on Safety, created under Section 47-1701, Burns' Indiana Statutes, 1933, have the authority to specify a particular type and design of mechanical arm signal devise for use on any school bus used to transport school children, as

such term, 'School Bus', is construed in Section 47-706, Burns' Indiana Statutes, 1933?

"2. Would any such order include the power to compel Township Trustees, or others having control of such school buses, to install such specific type and design of signal device on all such school buses, and within a given time?"

Section 47-705 Burns' 1933, same being Section 5, Chapter 227, Acts 1933, provides in part as follows:

"Any school-bus used to transport school children shall be equipped with some device for imitating the arm signal now required by law to indicate slowing down or stopping. When such device is properly used, in lieu of the regular arm signal, such use shall be construed as complying with the requirements of the law relating thereto. Any such device shall have the word 'stop' clearly printed thereon and such letters shall be plain style, not less than four (4) inches high and shall be black letters on a white background. Every arm signal device so used shall extend at least twenty (20) inches from the side of the body of the bus. * * *"

Section 47-706 Burns' 1933, same being Section 6, Chapter 227, Acts 1933, provides in part as follows:

"The term 'school-bus' as used in this act shall be construed to mean any bus, hack, automobile, conveyance, motor vehicle or other vehicle of any kind which is used to transport school children to and from school, to or from school athletic games or contests or other school functions, but this act shall not apply to privately owned motor vehicles, or vehicles of any other kind which are not operated under or by authority of the school corporation. * * *"

Sections 47-1704 to 1707, inclusive, same being Sections 4 to 7, inclusive, Chapter 127, Acts 1937, generally authorize the State Committee on Safety to make reasonable rules and regulations regarding construction and equipment of safety

devices and scientific and mechanical developments in the construction and equipment of motor vehicles.

It is clear the last referred to statute is a general statute while the prior Act of 1933 is a special statute regarding arm signal devices to be used on school buses and specifically restricts the type, manner and construction of such signal devices on school buses. In this respect it deals with the common subject of such arm signal devices in a more minute way.

I am therefore of the opinion Section 47-705 Burns' 1933, *supra*, is a special law on the subject of arm signal devices on school buses and is not controlled or repealed by the provisions of Section 47-1704, *supra*.

Million *et al* v. Metropolitan, etc. Co. (1933),
95 Ind. App. 628, 637;

Knox County Council v. State *ex rel.* McCormick (1940), 217 Ind. 493, 514;

Straus Brothers Co. v. Fisher (1928), 200 Ind. 307, 316;

State *ex rel.* v. International Harvester Co. (1940), 216 Ind. 463;

1945 Indiana O.A.G., page 212, Opinion No. 44.

Since the Legislature has under Section 47-705 Burns' 1933, *supra*, specifically pointed out the manner in which arm signal devices on school buses must be constructed the State Committee on Safety would have no authority under the general statute creating it to adopt rules and regulations supplementing the express provisions of Section 47-705 Burns' 1933, *supra*.

The foregoing answer obviates the necessity of any answer to your question number two.