fee is taxable in each case, the same as any other taxable item of cost would be, under Section 2-1417, supra.

In answer to your third question, it should be noted that there is nothing in the statute which requires the county of trial to pay the per diem in the first instance and then obtain reimbursement from the county of origin of the cause. However, there is nothing to prohibit the county of trial from paying the per diem in the first instance and then collecting this cost from the county of origin in the same manner that the jury fees are customarily paid by the county of trial and then collected from the county where the cause originated.

STATE BOARD OF HEALTH: Nursing Home Act, construction of. Defining what constitutes a Nursing Home.

January 4, 1944.

Opinion No. 2

Hon. Thurman B. Rice, M. D.,
State Health Commissioner,
Indiana State Board of Health,
Indianapolis, Indiana.

Dear Dr. Rice:

This will acknowledge receipt of your letter dated December 22nd, 1943, requesting my official interpretation of Section 1 of Chapter 158, Acts 1943, which is Burns' 1943 Pocket Supplement, Section 42-1401, et seq. Your specific question reads as follows:

“What is particularly needed is your opinion as to what constitutes a ‘nursing home for aged’ as it is used and defined by the above section. It has developed that many institutions have taken the position that they are not nursing homes for aged but are merely boarding homes and consequently not within the provisions of this law.”

Section 1 of Chapter 158, Acts 1943, supra, reads as follows:

“Definitions.—(a) The term ‘nursing home for aged’ is hereby defined as, and shall be construed to include any building, structure, institution or other place for the reception, accommodation, care or treatment of
three or more inmates, aged sick, infirm, convalescent, invalid, feeble-minded, mentally ill, incompetent, decrepit, blind, disabled, injured, infected or chronically ill person, drug addict, dipsomaniac or inebriate, and for which reception, accommodation, care or treatment a charge is made: Provided, however, that the reception, accommodation, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed to constitute the premises in which such person is received, accommodated, cared for or treated, a nursing home.

"(b) The term 'inmate' is hereby defined and shall be construed to include all persons kept, cared for, treated or otherwise accommodated in any nursing home.

"(c) For the purpose of this act the term 'practical nurse' is hereby defined and construed to be a person more than twenty-one (21) years of age who has had not less than one (1) year's experience in caring for sick persons under the direction of a duly licensed practicing physician."

It will be observed that the Legislature, by the language contained in Section 1 of said Act, has defined what the term "nursing home for aged" shall mean. It is a rule of statutory construction that where the Legislature has defined the meaning of a term in a statute a court is bound by the definition contained in the statute and cannot apply or substitute any other meaning or definition.

Gross Income, etc. v. Harbison, etc. (1943), — Ind. App. —, 48 N. E. (2d) 834 on 836.

Again it is a familiar rule of statutory construction that if the language contained in a statute is plain, definite and unambiguous it must be held to mean what it plainly says.

Pabst, etc. v. Schuster, 55 Ind. App. 375;
Cheney v. State, 165 Ind. 121 on 125.

Applying the above rules of statutory construction to Section 1 of Chapter 158, Acts 1943, we find that the term "nurs-
ing home for aged” includes any “building, structure, institution or other place for the reception, accommodation, care or treatment of three or more inmates, aged sick, infirm, convalescent, invalid, feeble-minded, mentally ill, incompetent, decrepit, blind, disabled, injured, infected or chronically ill person, drug addict, dipsomaniac or inebriate, and for which reception, accommodation, care or treatment a charge is made.”

It must be further noticed that the above language is in the disjunctive as applied to reception, accommodation, care or treatment, and not in the conjunctive, and for this reason any one of the terms above mentioned comes within the purview of the statute. These words are sufficient to cover and include board, room or lodging, provided a charge is made therefor.

Therefore, it is my opinion that if any building, structure, institution or other place is used for the reception, accommodation, care or treatment of three or more inmates, aged sick, infirm, convalescent, invalid, feeble-minded, mentally ill, incompetent, decrepit, blind, disabled, injured, infected or chronically ill person, drug addict, dipsomaniac or inebriate, and a charge is made for either the reception, accommodation, care or treatment of such person, or persons, the same comes within the meaning and purview of Section 1, Chapter 158, Acts 1943, regardless of whether nursing facilities are furnished or not furnished.

INDIANA STALLION ENROLLMENT BOARD: Regarding validity of adoption rule recognizing Palomino Stallions. Outlining procedure therefor.

January 10, 1944.

Opinion No. 3

Mr. R. B. Cooley, Secretary,
Indiana Stallion Enrollment Board,
c/o Purdue University,
West Lafayette, Indiana.

Dear Mr. Cooley:

Your letter of January 3, 1944, received in which you request an opinion as to whether or not the Indiana Stallion Enrollment Board has authority to recognize as a standard