nurse in either the army or navy and has been discharged, and would not apply to a person who has completed her training in a nurses' training school under a program established under and pursuant to the Federal Act, unless such applicant met the requirements of the Indiana statutes above mentioned.

DEPARTMENT OF PUBLIC INSTRUCTION: Chapter 171 of the Acts of 1943, whether said Chapter is constitutional.

July 8, 1943.

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

Dear Dr. Malan:

This will acknowledge receipt of your letter dated July 3rd, 1943, requesting my opinion upon the following question:

“Does Section 1, House Bill 208 come within its title and is it valid?”

House Bill 208 referred to in your letter, which will be Chapter 171 of the Acts of 1943, has the following title, to-wit:

“A Bill for an Act to amend section one of an act entitled ‘An act concerning transfer tuition for public school children in hospitals for tuberculosis treatment, setting forth the amount of transfer tuition to be paid, providing for its payment, assigning powers and duties to school authorities, repealing all laws in conflict here-with and declaring an emergency.’ Approved March 4, 1941.”

Section 1 of said Act reads as follows:

“Section 1. Be it enacted by the General Assembly of the State of Indiana, That the school corporation wherein shall reside a person seven to thirty years of age who shall be a patient in a sanatorium maintained
solely for the treatment of tuberculosis, approved by
the state board of health and under the direction of
legally licensed physicians, shall issue a certificate of
transfer for such person and upon the request of the
State Superintendent of Public Instruction shall pay
for such kind and extent of instruction as such person
is capable of receiving at such institution. The state
board of education shall be authorized to order and
the auditor of state shall pay not more than three-
fourths the amount of such transfer tuition, but such
person shall not be counted as a basis for computing
any other regularly distributed state funds to such
transferring school corporation. The township trustee
or board of school trustees of the school corporation
wherein shall be located the tuberculosis institution
upon the request of the State Superintendent of Public
Instruction shall receive the transfer tuition money
and shall provide the instruction of such person or
persons under the direction of the city or county
superintendent of schools having jurisdiction in such
corporation in accordance with rules and regulations
as laid down by the state department of education.
The cost of such instruction shall be computed by the
State Board of Education on the basis of information
properly provided by said city or county superin-
tendent but in no case shall exceed double the amount
of the transfer tuition received by the said school cor-
poration for transferred pupils regularly attending
the schools of said corporation. Such instruction shall
be evaluated by such superintendent of schools and
upon his recommendation shall be accepted as full
credit in the school of the corporation wherein the
person shall reside.”

It will be observed from the body of the Act, that all refer-
ence to said Act being amendatory of some previous Act, is
wholly absent.

Sections 19 and 21 of Article 4 of the Constitution of In-
diana reads as follows:

“Section 19, Article 4. Every act shall embrace but
one subject and matters properly connected therewith;
which subject shall be expressed in the title. But if any subject shall be embraced in the act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title."

Section 21 of Article 4 reads:

"No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length."

It will be noted that Section 1 of Chapter 171, as above set forth, does not contain any words appropriate to an amendment of any previous question, but on the contrary appears to be the enactment of a new and independent section of statutory law.

I quote the language of the Supreme Court in the case of Wayne Township v. Brown, 205 Ind. 437, from page 453 of 205 Ind., wherein a similar question was presented, to-wit:

"Under the above sections (Sections 19 and 21 of Article 4) the act cannot be held to be an amendment."

In connection with the question under consideration, I call your attention to the Opinion of the Attorney General, dated April 2, 1943, addressed to H. M. Wright, Chief of the Bureau of Vital Statistics, of the Indiana State Board of Health, as to the validity of Senate Bill No. 12 which will be Chapter 308, Acts 1943, wherein a similar question was presented and the same conclusion held as in the instant matter. Judge John H. Morris, of the Henry Circuit Court at New Castle, has recently held Chapter 308, Acts 1943, to be unconstitutional and void for the same reasons stated herein and in the opinion dated April 2, 1943.

Therefore, it is my opinion that Chapter 171, Acts of 1943, is unconstitutional, invalid and void, under Sections 19 and 21 of Article 4, Indiana Constitution, for the reason that the entire subject matter set forth in Section 1 of said Act is not embraced within the title of the Act.