nection with any manufacturing industry, except during the hours and under the conditions specified in the Act.

Assuming as we must, for the purposes of this opinion, that this is a validly enacted law, then no officer or agency of the State Government has any authority to suspend the operations thereof except the Legislature itself, and the Legislature could exercise such right only through a validly enacted amendment to or repeal of this statute.

It is my opinion, therefore, that any relief from the provisions of this Act must be obtained from the Legislature, and that no other officer or agency of State Government has any authority to suspend its terms or make any exception from its provisions.

PUBLIC INSTRUCTION: Whether teaching experience in college is within the meaning of the term “teaching experience” as provided in Chapter 41 of the Acts of 1941.

June 16, 1941.

Dr. C. T. Malan,
State Superintendent of Public Instruction,
State House,
Indianapolis, Indiana.

Dear Dr. Malan:

I have your communication of June 10, 1941, in which you ask the following question:

“Does teaching in one of the state teachers’ colleges or in any college, constitute experience in terms of House Bill 147 passed by the recent Legislature?”

House Bill 147, as passed, amended certain sections of Chapter 315 of the Acts of 1935. Chapter 315 of the Acts of 1935, in turn, amended Chapter 196 of the Acts of 1933, which is entitled “An Act to Fix the Minimum Compensation of Teachers in the Common Schools.” House Bill 147 sets up a schedule of minimum salaries for teachers in the common schools of Indiana based on two elements, namely, (1) professional training and (2) teaching experience. It provides in part that:
"The minimum compensation of all beginning teachers who have completed 144 or more weeks of professional training, shall be $125.00 per month for a minimum term of eight months and the sum of $2.50 per month shall be added for each year of teaching experience up to and including the sixth additional year."

It also sets up a graduated schedule of minimum increases for additional professional training and additional teaching experience.

The Act defines the term "professional training," or rather authorizes the State Superintendent of Public Instruction to determine what shall be considered "professional training." The term "teaching experience" is not defined in the Act itself. However, the term "teacher" is. It is provided that:

"The term 'teacher' as used in this act shall be construed to include legally licensed and regularly employed teachers, and all the provisions of this act shall apply to all such teachers * * *." (Our italics.)

In attempting to determine the legislative intent as expressed by any provision or term used in an act, it is necessary to consider the act as a whole. It will be remembered that the general subject-matter of the act in question is "An Act to Fix the Minimum Compensation of Teachers in the Common Schools." While the term "teaching experience" is not defined in the act, the term "teacher" is defined as "legally licensed and regularly employed teachers." It would seem, therefore, that when the Legislature used the term "teaching experience," they meant the experience gained by a person legally licensed and regularly employed as a teacher. It is my understanding that the laws of Indiana do not contemplate the licensing of teachers in colleges or normal schools and licenses are only required of teachers in the grade and high schools. Since teachers employed by normal schools and colleges in Indiana are not required to be licensed, it is my opinion that experience gained by teachers so employed, does not have to be considered as "teaching experience" in determining the minimum salaries of teachers in the common schools of Indiana.

It should be remembered, however, that this act merely sets up a schedule of minimum salaries and that there is noth-
ing in the act which would prevent local school officials, in their discretion, from taking into consideration any teaching experience which a person has had in determining what his salary should be.

BEAUTY CULTURIST EXAMINERS: Board limited to appropriation fixed in biennial act.

Appropriation fixed in biennial act limits expenses of Board.

June 16, 1941.

Miss Lucille M. Booher,
State Board of Beauty Culturist Examiners,
State House,
Indianapolis, Indiana.

My dear Miss Booher:

You have inquired as to whether your Board is entitled to expend for personal service more than is fixed by the biennial appropriation act for that purpose in each fiscal year. You call attention to the fact that Section 21 of the act creating the Board requires that the funds obtained from operation of the act, in excess of $5,000.00 "shall be turned over to the general fund and shall remain and be a separate and permanent fund for the maintenance of the board." (Sec. 63-1821, Burns Ind. St. Ann. Supp. 1940, Acts 1935, Ch. 72, Sec. 21, p. 200.) Also, by Sec. 63-1822 Burns, etc., supra, your board was given authority "to employ whatever number of inspectors and clerks as may be necessary to carry out the provisions of this act and fix their compensation, and allow their necessary and actual expenses to be paid from the beauty culture examiners funds." (Acts 1935, supra, Sec. 22.)

The General Assembly's power to authorize your board to fix the number and compensation of employees, and to limit expenditures only by the amount collected, is unquestioned. But the General Assembly may also make different provision for fixing the amount to be expended in administering a prior statute, and has done so in the 1941 General Appropriation Act. (Acts 1941, Ch. 231, Sec. 2, being House Bill No. 280.) After fixing the amount to be disbursed during each fiscal year for personal service, all other operating expense and fixed charges, the following was added: