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:
“Such appropriation to be in lieu of any and all provisions heretofore made for the payment of salaries and expenses of said Board: Provided, That all fees collected by said board shall be paid to the general fund of the state: and, Provided, Further, That the appropriations above made are hereby limited to the amount of fees collected in the same fiscal year.”

A situation similar in all material respects to the situation confronting your Board was considered by the Attorney General in an opinion written to the State Board of Registration for Architects under date of April 11, 1938. The appropriation of specific amounts fixed in the biennial appropriation act was followed by this language:

“Such appropriation to be in lieu of any and all provisions heretofore made for the payment of salaries and expenses of said board.”

It was there decided that the expenditures of the board were limited by the appropriation act, notwithstanding the provision of the law creating the board which required the receipts of the board to be kept by the State Treasurer in a separate architect’s fund from which expenditures were to be made. (Opinions, Attorney General 1938, p. 173.)

The effect of the language quoted from the 1941 Appropriation Act is to limit your board to the expenditures of the amounts as fixed in that act, and if inadequate enforcement of the statute results, the remedy must be sought at the next session of the General Assembly.

STATE BOARD OF ACCOUNTS: Poor Relief—Whether county auditor fixes the tax levy for poor relief; same as to Poor Relief Bonds; same as to reimbursement of county on account of advancements by county.

Method of handling emergency claims for poor relief.

June 16, 1941.

Mr. Otto K. Jensen,
State Examiner,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter requesting an opinion upon the following questions: