Mr. James D. Adams, Chairman,  
State Highway Commission of Indiana,  
State House Annex,  
Indianapolis, Indiana.

Dear Sir:

This is in reply to your inquiry of March 12, 1941, asking an interpretation of the Motor Vehicle Highway Account Act which became a law March 10, 1941, and is chapter 168 of the 1941 Acts. You state:

"Under Section 6(b) of Chapter 135, Acts of 1937, certain county construction and reconstruction projects were required to 'have final approval from the (State Highway) Commission before the final estimate is paid on the contract by the board of commissioners of the county.' The commission has men engaged in inspecting the work in progress on several such projects initiated and put under contract by the counties under this act and not yet completed."

You also note that chapter 168 of the 1941 Act, that became a law on March 10, 1941, by its section 8, expressly repeals chapter 135 of the Acts of 1937 which gave your commission the authority and duties over county highway construction work, above referred to, and that there is no saving clause in the 1941 act that continues in force section 6(b) of chapter 135 of the Acts of 1935.

Your specific inquiries are:

"What responsibility, if any, does the state highway commission retain in connection with work done on these contracts before March 10, 1941? After March 10, 1941?"

"What responsibility, if any, does the state highway commission now have with reference to other projects on which plans had been approved by the state, but contracts were not yet awarded, or work had not yet been started on March 10, 1941?"
Under the situation thus presented, section 6(b) of said chapter 135 of the Acts of 1937 is now to be regarded by you as though it had never been enacted.

The answer to your two inquiries is that the State Highway Commission does not have any further responsibility in connection with the work done on such county contracts, whether the work was done before or after March 10, 1941.

Also, your commission has no further responsibility in connection with such county projects on which plans have been approved, but where contracts have not been awarded, or, on work not yet started by March 10, 1941, under such contracts.

GOVERNOR: Status of State Board of Education.
STATUTES: Whether repealed Act can be amended.

March 18, 1941.

Honorable Henry F. Schricker,
Governor, State of Indiana,
State House,
Indianapolis, Indiana.

My dear Governor:

I have your request of March 17, 1941, for an opinion relative to the status of the State Board of Education in the light of the legislation passed by the Eighty-second General Assembly. Your request states in part:

"As you know, the 82nd General Assembly passed an Act which is known as Senate Bill No. 139, which purports to provide for the appointment of a new State Board of Education. The Legislature attempted to accomplish this purpose by amending Section 7 of an Act entitled 'An Act to provide for the encouragement, maintenance and supervision of vocational education in industries, agriculture and domestic science,' approved February 22, 1913. I have been informed that the 1913 Act was repealed by an Act passed by the Legislature in 1933 and that since the 1913 Act has been repealed, any attempt to amend it by the 82nd General Assembly, is a nullity. If this Act is void because its attempts to amend an Act which has already been repealed, then the question arises as to whether or