lar school, of course, the same status would exist as to the physically handicapped children, although I doubt whether in that case the mandatory duty extends any further than to provide transportation to the regular school.

The statute providing special classes makes the provision above quoted applicable to children attending school in those special classes, and this statute apparently governs the case submitted by you.

As to your second question, what has been said heretofore applies with double reason because the question of transportation of high school pupils is at most only optional; that is, there is no mandatory requirement for such transportation. Your second question, therefore, as to whether school corporations are obligated to transport indigent children for the purpose of attending high school, is also answered in the negative.

ADMINISTRATIVE BUILDING COUNCIL: Act conferring regulatory authority on Administrative Building Council does not conflict with Acts of 1937, Ch. 83.

February 3, 1939.

Mr. Don F. Stiver, Secretary,
Administrative Building Council,
State House,
Indianapolis, Indiana.

Dear Mr. Stiver:

I have your letter of January 31, 1939, in which you ask for an official opinion as to whether or not there is any conflict between the Act of 1923, Ch. 64, p. 195, providing for an administrative building council and an Act of 1937, Ch. 83, p. 435, to regulate and restrict the operation of moving picture shows, theatres, dance halls, night clubs, cabarets, assembly halls and other places of public amusements and entertainments and to provide for the inspection of and to place the supervision thereof under the office of the state fire marshal.

Under the Act of 1923, Section 4 thereof provides:

"It shall be the duty of the administrative committee and it shall have power, jurisdiction and authority: to administer, execute and enforce any and all laws now in force or hereafter enacted in this State relative to
the construction, repair, or maintenance of places of employment and public building, as shall render the same safe and sanitary. To ascertain, fix and order such reasonable standards, rules, regulations, classifications, approval of plans and specifications of places of employment and public buildings as shall be necessary to carry out the purpose of this Act.”

The words “places of employment” means buildings and structures where men and women are employed and work, such as factories, shops, mills, and department stores. The words “public buildings” mean such buildings as court houses, school houses, jails, workhouse, market houses and other buildings belonging to the State, county, city, town and township; also churches and other buildings open to the public. This interpretation, in my judgment, is the proper one to be given to the foregoing words and phrases. The interpretation given is strengthened by Section 8 of the Act wherein it is provided that the enforcement of the Act shall be in cooperation with the mayor, township trustee, the board of trustees of every town, and the board of commissioners of the county. These named officials would only have jurisdiction over the respective public buildings belonging to each municipality.

Under the Act of 1923, the power, jurisdiction and authority of the administrative committee is limited to the construction, repair and maintenance of places of employment and public buildings, so that the same are sanitary and safe and to adopt rules, standards, make classifications and approve plans and specifications to carry out the purpose of the Act.

The Act of 1937 provides for the regulation and supervision of moving picture shows, theatres, dance halls, night clubs, cabarets, assembly halls and other places of public amusements. It provides that the owner, lessee, agent or occupant of the premises where such entertainment is being given must have the approval of the state fire marshal and must have a permit. Section 4 of the Act provides for a classification of the buildings, rooms, halls and places of entertainment as to the seating capacity, etc.

Section 9 of the Act provides that the state fire marshal shall inspect all moving picture shows, theatres, dance halls, night clubs, cabarets, assembly halls and other places of public amusement annually and if he finds any violations of the Act
or the rules of the fire marshal it becomes his duty to notify the permittee and if the permittee does not correct the violations within a reasonable time his permit is withdrawn.

Section 10 provides that no film distributing agency or booking agency shall supply or deliver films or entertainment for exhibition purposes to any premises unless such premises have been inspected and approved and unless the manager, owner or lessee has a permit authorizing the exhibition of moving pictures.

So, in my judgment, it is clearly seen that the two Acts are not in conflict. Each deals with a specific and different subject matter and enacted for different purposes. If the two Acts are administered as intended by the Legislature there need be no conflict.

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PUBLIC INSTRUCTION, DEPARTMENT OF: Whether attendance in laboratory or model schools at State Colleges may be considered in distribution of State funds under Tuition Support Act.

February 14, 1939.

Hon. Grover Van Duyn,
Assistant Superintendent of Public Instruction,
Department of Education,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of February 13, 1939, which, in part, is as follows:

“In your official opinion to me on October 24, 1933, you stated that the resident school corporations in which are located model schools in connection with the four State colleges may count the average daily attendance of the children attending such schools for the purpose of the distribution of State funds as provided in Chapter 96 of the Acts of 1933.”

You submit the following question:

“Will the following paragraph as a part of the contract between the resident city of the Laboratory School and the State institution adequately care for the details