

It should be observed that the boundaries of public school districts and nonpublic school systems are not necessarily coterminous. The legislature has provided, in 1955 PA 269, § 622, added by 1965 PA 343, *supra*, that school districts may use state school aid funds to pay for auxiliary services. State school aid funds paid to school districts are derived from state taxes paid by all of the people of Michigan. See Const 1963, art 9, § 11, and 1972 PA 258, as amended; MCLA 388.1101 *et seq.*; MSA 15.1919(501) *et seq.*

The Michigan Supreme Court has held that providing auxiliary services to nonpublic school children pursuant to 1955 PA 269, § 622, added by 1965 PA 343, *supra*, is constitutionally permissible. The Court, in reaching that conclusion characterized auxiliary services as general health, safety and welfare measures for Michigan's school children. *Traverse City School District v Attorney General*, 384 Mich 390, 417-421; 185 NW2d 9, 20-22 (1971).

In conclusion, it is the opinion of the Attorney General that, under 1955 PA 269, § 622, added by 1965 PA 343, *supra*, when a board of education provides street crossing guard services to resident children attending the public schools, it is required to provide street crossing guard services to both resident and nonresident students attending nonpublic schools located within the public school district boundaries. This statute, however, does not require a public school district to provide these services outside the boundaries of the public school district.

FRANK J. KELLEY,  
*Attorney General.*

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**CONSTITUTIONAL LAW: Statutes.**

**STATUTES: Effective date.**

A statute enacted with an effective date prior to expiration of 90 days from the end of the session at which it was passed, but without having obtained the requisite vote to give it immediate effect, has no force and effect until 90 days after the end of the session.

Opinion No. 4856

December 13, 1974.

Mr. Robert R. Eldredge  
Executive Secretary  
Board of Pharmacy  
Department of Licensing and Regulation  
1033 South Washington Avenue  
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You have requested my opinion as to the date upon which 1974 PA 155, an amendment to the pharmacy act, 1962 PA 151; MCLA 338.1101 *et seq.*; MSA 14.757(1) *et seq.*, will become effective. This amendment to the pharmacy act is popularly referred to as the "drug substitution bill." 1974 PA 155, § 2, provides as follows:

"This act shall take effect on January 1, 1975."

Const 1963, art 4, § 27, provides as follows:

"No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house."

My review of the Journal of the Senate, No 74, p 1049 (May 29, 1974), indicates that the Senate did, by two-thirds vote of its members, move to give the bill immediate effect. However, the Journal of the House of Representatives, No 79, p 1863 (May 30, 1974), reveals that the vote on immediate effect in that chamber did not garner the necessary two-thirds majority. Since the constitution requires that a two-thirds vote of "members elected to and serving in *each* house" is necessary to give a bill immediate effect, and the House of Representatives declined to give immediate effect to the bill, the bill cannot be given effect until 90 days after the end of the session.

I am therefore of the opinion that, since the enrolled bill has no immediate effect, the provision reciting that the bill should become effective on January 1, 1975 itself has no force and effect until 90 days from the end of the session at which the bill was passed and, therefore, the amendatory act, 1974 PA 155, will become effective 90 days after the end of the session at which it was passed.

FRANK J. KELLEY,  
*Attorney General.*

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