whose protection it was enacted, by rendering ineffec-
tual the judgment rendered in his favor, because the
judge violated or failed to observe its provisions. To
avoid such injustices the statute must be construed as
directory. It is said in Sedgwick on Statutory and
Constitutional Law, 316, that "When statutes direct
certain proceedings to be done in a certain way or at
a certain time, and a strict compliance with these
provisions of time and form does not appear essential
to the judicial mind, the proceedings are held valid,
though the command of the statute is disregarded or
disobeyed. In these cases, by a somewhat singular
use of language, the statute is said to be directory."’’

It is my opinion that the Legislature intended that local
school corporations be permitted to take advantage of the
provisions of ch. 414, supra, during the school year of 1965-66.
Therefore, the governing body of any local school corpora-
tion may adopt a resolution creating an "Operating Fund"
immediately after July 1, 1965, to become effective January
1, 1966.

OFFICIAL OPINION NO. 22

July 20, 1965

Mr. Charles W. Kirk, Jr.
Executive Director
Department of Commerce and
and Public Relations
333 State House
Indianapolis, Indiana

Dear Mr. Kirk:

The following is my answer to your request for an Official
Opinion, which request reads as follows:

"We are presenting the following question for your
opinion in regards to an application to the Federal
Housing and Home Finance Agency for an urban
planning grant. This opinion would serve a twofold
purpose.
1965 O. A. G.

“(1) To support the securing of a planning grant to develop a comprehensive plan for the Town of Russiaville and (2) to support the securing of a planning grant for the initial phase of the development of a statewide planning program. The specific information that must be supplied to the Federal Housing and Home Agency, in your opinion, is as follows:

“(a) Establishing the Department of Commerce and defining its powers and duties as it relates to the undertaking of the proposed planning program for Russiaville and for the State.

“(b) Empowering the Department of Commerce to provide the planning assistance or perform the planning work proposed.

“(c) Empowering the Department of Commerce to receive and expend federal funds, and to provide or obtain and expend other funds for the purpose of developing a planning program for Russiaville and developing a planning program for the State.

“(d) Empowering the Department of Commerce to contract with the United States for the purpose of receiving and expending federal funds.”

The Acts of 1965, Ch. 262, § 2, creates a Department of Commerce in this state; said section reads as follows:

“There is hereby created a state department to be known as the Department of Commerce. The lieutenant governor, by virtue of his office shall serve as director of the department and he shall receive no additional salary in this capacity.”

Acts of 1965, *supra*, § 8, defines and describes the powers and the duties of the Department of Commerce as follows:

“The department shall develop and promote programs designed to make the best use of the resources of the state so as to assure a balanced economy and continuing economic growth for Indiana and for such purposes may:
OPINION 22

“(a) Assemble and disseminate information concerning the resources of the state and their availability for the development of industrial and commercial activities.

“(b) Prepare and activate plans for the development, expansion, and use of the resources of the state.

“(c) Cooperate with federal, state, and local governments and agencies thereof in the coordination of programs to make the best use of the resources of the state.

“(d) Encourage and foster research and development activities, including industrial parks.

“(e) Receive and accept grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the United States and including the receipt and acceptance, on behalf of the State of Indiana, of grants from agencies and instrumentalities of the United States for providing planning assistance to political subdivisions or county or regional planning commissions of this state, which the department shall receive and administer in accordance with the terms thereof and may contract with any such political subdivisions or planning commissions to carry out the purposes for which the grants were made.”

Acts of 1965, supra, § 10, establishes a division of industrial promotion within the Department of Commerce. One of the specific duties of that division as provided by subsection (d) of said section is to consult with public agencies or authorities in the preparation of studies of economic needs or advantages relating to economic development.

Acts 1965, supra, § 12, creates within the Department of Commerce a division of planning, the functions and duties of which are as follows:

“(a) Assemble, analyze, and make vailable to governmental agencies and the public, information relative to the resources and economic needs of the state.
"(b) Cooperate with departments and agencies of the state in preparing and maintaining plans for the development of the resources of the state; specifically, it shall prepare and maintain a comprehensive plan for the physical, social and economic development of the state, and the department shall prepare and keep current a proposed long-range program of major state improvements relating to the comprehensive development of natural and artificial resources of this state, and shall cooperate with existing federal and state departments and other agencies or groups in perfecting and promoting the aforesaid comprehensive plan.

"(c) Assist in the coordination of development plans of federal, state, and local governments and private agencies.

"(d) Cooperate with federal agencies and authorities of other states in the solution of development problems which cross state lines.

"(e) Publish information as an aid to planning on both community and state levels and provide planning assistance and do planning work, including surveys, land use studies, technical services and other elements of comprehensive planning programs, in and for any counties, cities, towns, townships and regions and, for this purpose, to accept and utilize any funds, personnel or other assistance made available by the federal government or any of its agencies, or made available from any other source, public or private, and, notwithstanding the provisions of any other law and for the purpose of receiving and using federal planning grants for providing urban planning assistance, to serve as the official state planning agency of the state and, to these ends, to enter into agreements or contracts regarding the acceptance or utilization of such funds or assistance for any of the purposes authorized by this act."

Acts of 1965, supra, § 14, states additional powers of the director of the Department of Commerce as follows:
“The director, with the approval of the governor, may receive and expend all funds, grants, gifts, and bequests, including federal and state funds and other funds available for the purposes for which the department was created, and to contract with the United States and all other legal entities with respect thereto, including legally constituted regional, county, metropolitan, and municipal planning commissions or districts. The department may provide, within the limitations of its budget, matching funds wherever funds, grants, gifts, bequests, and contractual assistance are available on such basis. The department shall provide such information, reports, and services as may be necessary to secure such financial aid.”

As you know, this act, Act of 1965, ch. 262, became effective July 1, 1965.

It is my opinion that the Department of Commerce of the State of Indiana has the power by virtue of the Acts of 1965, ch. 262 and the sections of said chapter specifically set out herein to negotiate with political subdivisions of the State of Indiana, and to negotiate with the Federal Government or any agency thereof to secure a planning grant to develop a comprehensive plan for the town of Russiaville, Indiana, and to secure a planning grant for the initial phase of the development of a state-wide planning program.

OFFICIAL OPINION NO. 23

July 29, 1965

Mr. Philip E. Byron, Jr., President
Indiana Employment Security Board
437 Monger Building
Elkhart, Indiana 46514

Dear Mr. Byron:

This is in response to your request for an Official Opinion on the effect legislation enacted by the 1965 Legislature will have on interest earned by the Employment Security Trust