4. The list of building permit fees or charges attached to your letter are not nominal fees, as one is for $601.00 and the other is for $605.00, each for a single project.

5. In answer to your fifth question, I am of the opinion that a nominal fee for a building project would not be more than $10.00 for each project.

6. I am of the opinion the above answers would also be applicable to permits issued by the civil city for such matters as permits to cut curbs, sidewalk permits and the like. This is for the reason that the building site of a school building is considered to be a part of the school building project and under the laws applicable to providing plans for school buildings, there is the additional requirement of the approval of the building site facilities.

OFFICIAL OPINION NO. 4
January 13, 1964

Mr. B. B. McDonald
State Examiner
State Board of Accounts
912 State Office Building
Indianapolis, Indiana

Dear Mr. McDonald:

Your letter of November 1, 1963, has been received and reads as follow:

"In making advances from the Veterans Memorial School Construction Fund the statute (Burns' 28-182) provides for the collection of a principal payment semi-annually together with one per cent on the unpaid balance. Such collection to be made by reducing the amount of each semi-annual distribution of state tuition support to any school which has received an advancement. The amount of such semi-annual principal payments are fixed by prior agreement between the school corporation and the Commission on General Education of the Indiana State Board of Education."
"It has been the practice in computing the one per cent service charge to apply that rate to the unpaid balance as of July of each year and deduct one-half (½ of 1%) of this service charge semi-annually from the distribution of state school tuition support to the school corporation at which time the semi-annual principal payment is also deducted.

"In view of the foregoing we respectfully request your official opinion on the following question:

"Is the service charge to be computed and deducted at the rate of 1% or 2% per annum of the unpaid balance from each semi-annual distribution of state tuition support to the school corporation?"

The Acts of 1955, Ch. 312, Sec. 8, as amended, and found in Burns' (1963 Supp.), Section 28-182, provides, in part, as follows:

"* * * Any school corporation receiving an advancement under the provisions of this act shall agree to have the total amount of the money advanced plus one per cent [1%] of the outstanding balance thereof deducted from the semi-annual distribution of state school tuition support for a period of not to exceed twenty [20] years or until all of the money so advanced, plus one per cent [1%] thereof, has been so deducted. The commission shall reduce the amount of each semi-annual distribution of state school tuition support to any school corporation which has received an advancement under the provisions of this act in an amount to be agreed upon by and between the commission and the school corporation which amount shall include one per cent [1%] on the balance of such advancement * * *"

This section being somewhat ambiguous is susceptible to several constructions. It is therefore, necessary to ascertain the legislative intent of the act by looking to rules of statutory construction. You state in your letter that it has been the commission's practice to determine the unpaid balance of
the advance made from the Veterans' Memorial School Construction Fund in July of each year; the commission then computes one per cent of the unpaid balance, deducting one-half of the amount so computed from the semi-annual distribution of state school tuition support allocated to the particular school.

Where doubt and uncertainty as to the meaning of a statute exists, a contemporaneous construction placed on the statute by officers or departments of the state charged with administering it is entitled to great respect or weight, especially when it has been observed and acted on for a long period of time.


Further, the weight to be given a contemporaneous construction by an administrative body is materially increased by the Legislature's acquiescence therein. Thus, where the Legislature by inactivity, continuing through several sessions, has indicated satisfaction with that construction, only the most urgent and persuasive reasons should be evoked before departing with it.


In this connection, it must be noted that the above cited statute was enacted into law in the 89th Session of the General Assembly; further, both the 91st and 92nd Sessions of the General Assembly had this statute before them, each adding a proviso to the section. Finally, the 93rd and most recent Session of the General Assembly has met and adjourned without revising the language here in question.

In view of the foregoing, it is my opinion that the Legislature intended the result which the present contemporaneous construction achieves.