Therefore, in answer to your first and second questions, I am of the opinion that a county recorder has the right to control access to the records filed in his office and that while a financing statement filed pursuant to the Code may be a public record within the meaning of the Hughes Anti-Secrecy Act, the Legislature has in some respects limited the public's access to it.

In answer to your third question, it is my opinion that the county recorder is required to certify as to either the existence of or lack thereof of a presently effective financial statement in his files. Burns' 19-9-407 (2), supra, uses the language, "whether there is on file * * *." This language indicates that the recorder has an affirmative duty upon the request of an interested party and the payment of the prescribed fee to certify to such party whatever his records disclose. Under the Code, it is just as important for an interested person to know that no presently effective financial statement is on file as it is to know such an instrument is on file.

Since the answer to your first and second questions are in the negative, it is unnecessary to answer your fourth and final question.

OFFICIAL OPINION NO. 59
October 8, 1964

A. C. Offutt, M. D.
State Health Commissioner
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, Indiana

Dear Doctor Offutt:

This is in reply to your letter of September 15, 1964, wherein you ask the following questions:

"1. Does the State Board of Health have the authority to make grants to official local health departments from state appropriated funds in cooperation with the Federal Government?"
“2. Does the State Board of Health have the authority to make grants to voluntary, not-for-profit organizations from state funds in cooperation with the Federal Government?”

You state in your letter:

“Recently federal auditors of the Comptroller General’s office questioned the authority of the Indiana State Board of Health to make grants from state appropriated funds to other agencies. The auditors raise this question in relation to a rule in the Federal Grants Manual. The rule, HGM Part II-3-51.10(b), states, ‘* * * except as otherwise authorized by the Surgeon General, the provisions of state or local law which are applicable to the expenditure of money appropriated by the state or local subdivision shall apply respectively to federal monies paid to the state or to a political subdivision of the state as a cooperating agency * * *’”

The answer to both of your questions is found in Acts 1947, Ch. 178, the same being Burns’ (1961 Repl.), Section 61-1301 et seq. This act concerns state co-operation with the Federal Government in the acceptance of benefits under various Acts of Congress. Burns’ 61-1301, supra, provides:

“The state, or any political subdivision thereof, are each hereby authorized and empowered to the full extent authorized by the Constitution of Indiana and not prohibited by law, to accept the provisions of any law of the Congress of the United States of America, or any rule, regulation, order or finding made pursuant thereto, now or hereafter in force, which, upon acceptance, authorizes the state, or any political subdivision thereof, to cooperate with the federal government, or to receive benefits for itself or any of its citizens and the state, or any political subdivision thereof, is hereby authorized and empowered to do any and all acts, and to make any rule, regulation, order, or finding, that may be necessary to cooperate with the federal government or to effectuate the purposes of any such federal law.”
Burns' 61-1302, supra, provides:

"The acceptance by the state shall be made by the officer, board, bureau, commission, department, or division having authority by law to do the acts to effectuate the purposes of any such federal law, by, and with the consent of the governor.

"If there is no officer, board, bureau, commission, department or division having authority by law to do the acts to cooperate with the federal government or to effectuate the purposes of such federal law, and it is a matter which the state has power or authority to do, then the governor may designate or appoint an officer or agency to administer, cooperate with, and effectuate the purposes of such federal law, and such officers or agency so designated or appointed with the approval of the governor shall administer the same."

These sections specifically authorize the various boards and commissions of this state to accept federal grants-in-aid for the benefit of either the state itself or any of its citizens. In my opinion, this language was purposely made broad and general by the General Assembly so that the various agencies of government, such as your board, could take advantage of any grant-in-aid statute enacted by Congress.

An emergency contingency fund is created by Burns' 61-1304, supra, and funds are annually appropriated therefrom. This section provides:

"For the uses of the state provided by this act there is hereby appropriated for the periods of time herein designated emergency contingent funds as follows: For the fiscal year beginning July 1, 1947, one hundred fifty thousand [$150,000]. For the fiscal year beginning July 1, 1948, one hundred fifty thousand [$150,000].

"If any federal funds be received by the state pursuant to the provisions of any such federal law, the same are hereby appropriated for the uses and purposes provided by said federal law, if such appropriation be required."
Thus, any federal funds received by an agency under a grant-in-aid program are by this section appropriated for the uses and purposes provided by the federal law under which the grant-in-aid is made. In my opinion, the language found in Burns' 61-1304, *supra*, was specifically drafted to conform to the rules and regulations found in the *Federal Grants Manual*, set out in your letter.

Therefore, by way of summary and conclusion, in my opinion the State Board of Health, pursuant to Acts 1947, Ch. 178, *supra*, has the authority to make grants-in-aid to both official local health departments and to voluntary, not-for-profit organizations from funds appropriated by the state if such funds are appropriated pursuant to a matching grant from the Federal Government.

OFFICIAL OPINION NO. 60

October 8, 1964

Mr. Albert Kelly, Administrator
State Department of Public Welfare
701 State Office Building
Indianapolis, Indiana

Dear Mr. Kelly:

This is in answer to your letter of August 17, 1964, wherein you request an Official Opinion from me. Your questions pertain to the implementation and conformity of the Acts of 1963, Ch. 432, as found in Burns' (1964 Supp.), Sections 52-2001 to 52-2023, inclusive, with Public Law 86-778, commonly known as the Kerr-Mills Act, dated September 13, 1960. For ease and clarity of reference, in this Opinion, all further references to the 1963 Act herein, will be made by Chapter and Section number.

Your specific questions are stated as follows:

"1. Can the State Department of Public Welfare with the authority granted in Section 2(4), and Section 22 of Chapter 432, adopt Rules and Regulations to permit the approval of assistance to a person..."