

OPINION 5

OFFICIAL OPINION NO. 5

February 25, 1963

Hon. Anna Maloney
State Representative
131 East 5th Avenue
Gary, Indiana

Dear Representative Maloney:

Your letter of February 19, 1963, has been received requesting an Official Opinion on the following question:

"I would like an official opinion regarding the following matter: If schools are closed by the school board because of severe winter weather, or a heavy snowstorm, can the board require the teachers to report to school in order to collect their salary for that day?"

Acts 1921, Ch. 91, Sec. 2 as found in Burns' (1948 Repl.), Section 28-4305 provides as follows:

"If, during the term of a teacher's contract, the school or schools are closed by order of the school corporation, or by order of the health authorities, or if, through no fault of the teacher, school can not be held, such teacher shall receive regular payments during such time the school or schools are closed: Provided That schools may be closed for a period of not over two [2] weeks for Christmas holidays without payment of salaries for teachers for such time: Provided That such closing the school for Christmas holidays shall not be construed to shorten the length of the school term."

The meaning of the foregoing statute is clear in that the Legislature meant to provide that when schools are closed by order of the school corporation, or if through no fault of the teacher school cannot be held, such teacher shall receive regular payments during such time such schools are closed.

I am therefore of the opinion if schools are closed by the school board because of severe winter weather or because of

a heavy snowstorm the teachers may collect their salaries for such days without the necessity of reporting to the school building on such days irrespective of any school board requirement therefor.

OFFICIAL OPINION NO. 6

March 25, 1963

Mr. James J. McManus, Director
Aeronautics Commission
1025 State Office Building
Indianapolis 4, Indiana

Dear Mr. McManus:

This is in response to your letter requesting an Official Opinion in answer to the following questions:

- "1. Does the Aeronautics Commission of Indiana have any responsibility and/or authority in regulating the flight of aircraft in or over the State of Indiana?"
- "2. What statutory responsibilities and/or authority confronts the Commission in regard to licensing and regulating intrastate air carriers who may fall outside present and contemplated federal regulations?"

The powers and duties of the Aeronautics Commission of Indiana must be expressed in the statutes of this state. I have examined the statutes pertaining to aeronautics and have found express mention of several powers which the commission has in dealing with matters incidental to the flight of aircraft, but I find no express power to regulate the actual flight itself.

The principal statute defining the powers and duties of the commission is the Acts of 1945, Ch. 360, Sec. 8, as amended, as found in Burns' (1962 Supp.), Section 14-319. This statute gives the commission the responsibility of reporting to the appropriate federal authority any cases of flight by persons