

OPINIONS
OF THE
ATTORNEY GENERAL
OF OHIO
1966

1966 OPINIONS 66-001 to 66-186

WILLIAM B. SAXBE
Attorney General

Opinions published quarterly
with tables and index

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PREFACE

In 1964 the advance sheet service for Opinions of the Attorney General of Ohio was begun. We are gratified that the quarterly publication of the opinions has proved to be of great value to public officials, members of the bar and other interested persons. In this volume there has been a change in the numbering system. The same relationship of a prefix designating the year followed by a number indicating the opinion number will be followed. The opinion number, however, will be a three digit number. The first opinion being No. 66-001.

Users of this service will note that certain opinions are not published in this service; therefore, certain opinion numbers will not appear. The opinions omitted have been designated "Limited Circulation" Opinions. Opinions which involve matters peculiar only to the requesting agency and not of general interest have been given only "Limited Circulation." We have endeavored to publish in this volume all Opinions of the Attorney General which concern matters of state wide interest.

Both the publisher and the Office of the Attorney General wish to express our thanks for the fashion in which the 1965 publication has been received. In our effort to continue to improve this publication your constructive criticism tending to increase the utility of this publication is again welcomed.

April 1, 1966

WILLIAM B. SAXBE
Attorney General of Ohio

ATTORNEYS GENERAL
of the
STATE OF OHIO

Note: The office of Attorney General was established as an elective office by the Constitution of 1851, and the term of office was two years. By an amendment made in 1954 the term of office is now four years.

Henry Stanberry	1846-1851
Joseph McCormick	1851-1852
George E. Pugh	1852-1854
George W. McCook	1854-1856
Francis D. Kimball	1856-
C.P. Wolcott (a)	1856-1861
James Murray	1861-1863
Lyman R. Critchfield	1863-1865
William P. Richardson	1865-
Chauncey N. Olds (b)	1865-1866
William H. West	1866-1868
Francis B. Pond	1868-1872
John Little	1872-1878
Isaiah Pillars	1878-1880
George K. Nash	1880-1883
D.A. Hollingsworth (c)	1883-1884
James Lawrence	1884-1886
Jacob A. Kohler	1886-1888
David K. Watson	1888-1892
John K. Richards	1892-1896
Frank S. Monnett	1896-1900
John W. Sheets	1900-1904
Wade H. Ellis (e)	1904-Nov., 1908(d)
Ulysses G. Denman (f)	Nov., 1908- 1911
Timothy S. Hogan	1911-1915
Edward C. Turner	1915-1917
Joseph McGee	1917-1919
John G. Price	1919-1923
C. C. Crabbe	1923-1927
Edward C. Turner	1927-1929
Gilbert Bettman	1929-1933
John W. Bricker	1933-1937
Herbert S. Duffy	1937-1939
Thomas J. Herbert	1939-1945
Hugh S. Jenkins	1945-1949
Herbert S. Duffy	1949-1951
C. William O'Neill	1951-1957
William B. Saxbe	1957-1959
Mark McElroy	1959-1963
William B. Saxbe	1963-

Note:

(a) Appointed vice Francis D. Kimball, who resigned September, 1856.

(b) Appointed February 20, 1865, vice William P. Richardson, who was elected while a Colonel in command of Camp Chase, Columbus, Ohio, and resigned as Attorney General in February, 1865, and remained in the service.

(c) Appointed April 21, 1883, vice George K. Nash, who resigned to become a member of the Supreme Court Commission.

(d) Term extended to 1909 by constitutional amendment.

(e) Resigned November, 1908, to become Assistant United States Attorney General.

(f) Appointed November, 1908, for unexpired term ending January, 1909, vice Wade H. Ellis, resigned; then served the full term commencing January 11, 1909.

Note: An up-to-date roster of the Attorney General of Ohio's staff will be included with the final Quarterly Advance Sheets for 1966 OPINIONS (to be delivered next January). Meanwhile, see pages 1-7 and 1-8 of the 1965 OPINIONS for the Attorney General's staff on December 31, 1965.

Chapter 109 - Attorney General of the Ohio Revised Code appears on pages 1-9 to 1-16 of the 1965 OPINIONS. Should Chapter 109 be affected by enactments of a Special Session of the Ohio General Assembly during 1966, the amended chapter will appear in the Quarterly Advance Sheets issued following adjournment of the legislature.

ATTORNEY GENERAL OF OHIO
Personnel of Office
December 31, 1966

William B. Saxbe, Attorney General
 Harold B. Talbott, First Assistant Attorney General
 Robert M. Duncan, Chief Counsel

Assistant Attorneys General

Baird, William C.	Friedman, William S.
Barnard, Dale	Galbraith, John A.
Bartunek, Allen J.	Gallas, James S.
Bell, Langdon D.	Godwin, Ralph C.
Berkley, Leonard	Greenspun, A. L.
Blue, Jason A.	Gregg, Charles R.
Bodoh, William T.	Greiner, Ted R.
Boyd, John C.	Grubbs, William H.
Brake, Larry G.	Hadden, E. Bruce
Braun, Lawrence H.	Hadley, James F.
Brown, William W.	Hansen, Alfred F.
Brownlee, Wyatt C.	Hayes, William T.
Burke, Lillian W.	Heffernan, Bernard L.
Burns, J. Dennis	Hess, Thomas
Burwell, Lloyd W.	High, Theodore K.
Carpenter, George L.	Hisrich, Thomas H.
Casey, John F.	Hochman, James B.
Cherrill, E. Donna	Hoiles, William McHenry
Clark, William A.	Holzman, Wallace R.
Cloud, Clifford R.	Howdyshell, Walter J.
Colasurd, Donald M.	Hynes, Bart R.
Cole, John R.	Jones, C. Lyonel
Collins, William M.	Jones, Donald L.
Connor, John A.	Kandel, Harry N.
Conway, Leo J.	Kavoklis, Konstantinos
Culbert, William M.	Kessler, David L.
Cunningham, Pierce E.	Kidd, Anthony R.
Curtice, William L., Jr.	Kilcoyne, J. Daniel
DeCessna, Donald A.	Lang, Bruno
DeJute, Anthony M.	Lanza, Louis R.
Dersom, Charles R.	Lee, Andrew, Jr.
Dobnicker, Allan D.	Leonard, William L.
Dodd, Robert J., Jr.	Lindley, Edgar L.
Donahue, Gerald A.	Little, Don A.
Duncan, Robert M.	Lopeman, Charles S.
Dunn, Eagleton F.	MacDaniels, William J.
Dunton, Winifred A.	Macklin, Robert D.
Early, Chester R.	Manos, Eli
Ebeling, Harry G.	Marchbank, Ray L., Jr.
Eisenberg, Richard D.	Marsh, James R.
Everhart, Eugene P.	Marshall, Paul
Fannelly, Angelo A.	Masters, Joseph M.
Freeman, Brian A.	Mastics, George E.

Assistants - continued

Matia, Paul R.	Savasten, Harry N.
Maurer, James	Scherrer, Terrence M.
McFadden, James F.	Sepessy, Edward L.
McLaughlin, James A.	Sharpe, Clarence
Milligan, William W.	Sokolsky, Morris M.
Mills, Charles B.	Sommer, Keith A.
Morgan, David E.	Stark, Leo P.
Morgan, Ronald C.	Stehle, William L.
Morris, Larry B.	Sullivan, Noel E.
Moulton, Thomas S.	Talbott, Harold B.
Moyer, Thomas J.	Tekulve, Charles J.
Newcomer, James D.	Travis, Alan C.
Noble, Ford L.	Valentine, John D.
Ostrander, James L.	Van Buren, Stanley K.
Paulino, Harry R.	Van Schaack, Harold S.
Petzold, John P.	Walsh, John M.
Pisarro, Joseph J.	Waterfield, Charles W.
Poorman, Joseph J.	Watters, W. Robinson
Rattan, James E.	Webb, Robert D.
Redick, Clark G.	Wertz, Neva H.
Redick, J. Philip	Widican, George L.
Refeld, Robert R.	Wiletzky, Rosalind
Reeves, Joseph E.	Williams, Glen A.
Reid, Arthur J., Jr.	Williams, John T.
Reiners, Fred G.	Wolfe, Janice E.
Rhoads, I. Charles	Zellers, Paul T.
Rickman, James W.	Ziegler, Jon A.
Rogers, William A., Jr.	Zitko, Robert D.
Ruggles, Warren W.	

OHIO REVISED CODE

CHAPTER 109

ATTORNEY GENERAL

Amended to December 31, 1965

OJur 2d: 49, State of Ohio § 12

ORGANIZATION, POWERS AND DUTIES

- 109.01 Election; term.
- 109.02 Duties.
- 109.03 Appointment of assistant attorney general and chief counsel; duties.
- 109.04 Powers and duties of first assistant attorney general.
- 109.05 Employees.
- 109.06 Bond.
- 109.07 Special counsel.
- 109.08 Special counsel to collect claims.
- 109.09 Action on official bonds.
- 109.10 Proceedings in quo warranto.
- 109.11 Canal land disputes; title.
- 109.12 Legal advice to state officers and boards.
- 109.13 General assembly may require written opinions.
- 109.14 Attorney general shall advise prosecuting attorneys.
- 109.15 Forms of contracts.
- 109.16 Suits may be brought in Franklin county.
- 109.17 Writs in other counties.
- 109.18 Service by publication.
- 109.19 Security for costs and verification of pleadings.
- 109.20 Actions to be taken out of their order.
- 109.21 Annual report.
- 109.22 Registers shall be kept.

CHARITABLE TRUSTS

- 109.23 Definition of charitable trust; application.
- 109.24 Enforcement.
- 109.25 Service of process on charitable trust.
- 109.26 Register of charitable trusts; duty of trustees.
- 109.27 Rules and regulations concerning information for register.
- 109.28 Register open for inspection, when.
- 109.29 Probate and common pleas papers relating to charitable trusts.
- 109.30 Notice of will creating charitable trust.
- 109.31 Biennial report by trustees.
- 109.32 Investigations and audits.
- 109.33 Assistants, employees, experts; compensation.

OBSCENITY LAWS

- 109.40 Compilation and distribution of statutes relative to obscenity laws.

AGENT IN ESCHEAT

- 109.41 Agent in certain escheat matters.

BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION

- 109.51 Creation of bureau of criminal identification and investigation.
- 109.52 Criminal analysis laboratory; investigators and technicians.
- 109.53 Equipment and furnishings of the bureau.
- 109.54 Intergovernmental cooperation.
- 109.55 Coordination of law enforcement activities.
- 109.56 Training local law enforcement authorities.
- 109.57 Filing of photographs, fingerprints, descriptions of persons convicted of felony and habitual criminals.
- 109.58 Superintendent shall prepare a standard fingerprint impression sheet.
- 109.59 Fingerprint impression and descriptive measurement records.
- 109.60 Duty of sheriffs and chiefs of police to take fingerprints; report.
- 109.61 Descriptions, fingerprints, and photographs sent to bureau by sheriffs and chiefs of police.
- 109.62 Interstate, national, and international cooperation.
- 109.63 Superintendent and assistants may testify in court.

OHIO PEACE OFFICER TRAINING COUNCIL

- 109.71 Ohio peace officer training council.
- 109.72 Membership; appointment; term; meetings; expenses.
- 109.73 Powers and duties.
- 109.74 Promulgation of rules and regulations by attorney general.
- 109.75 Executive director.
- 109.76 Construction of act.
- 109.77 Certificate necessary for permanent employment.
- 109.99 Penalty.

ORGANIZATION, POWERS AND DUTIES

109.01 (331). Election; term.

The attorney general shall be elected quadrennially, and shall hold his office for a term of four years. The term of office of the attorney general shall commence on the second Monday of January next after his election. (129 v 582. Eff. 1-10-61)

Compensation of state officials, 141.01 et seq.
Official annual reports of state officials, 149.01.

OJur 2d: 6, Attorney General § 1

109.02 (333). Duties.

The attorney general is the chief law officer for the state and all its departments and shall have an office in the statehouse. No state officer, board, or the head of a department or institution of the state shall employ, or be represented by, other counsel or attorneys at law. The attorney general shall appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the state is directly or indirectly interested. When required by the governor or the general assembly, he shall appear for the state in any court or tribunal in a cause in which the state is a party, or in which the state is directly interested. Upon the written request of the governor, he shall prosecute any person indicted for a crime.

See Townsend Corporation Manual, Form 55.45

See Baldwin's School Laws Text § 2.

Actions against treasurer of state under provisions relating to "Torrens act" to be defended by the attorney general, 5310.10.

Actions in quo warranto, duties and powers of attorney general, 109.10, 1331.11, 1331.12, 2733.03.

Actions on official bonds, 109.09, 2307.35.

Attorney general shall enforce regulations as to railroad bridges, 4901.24.

Attorney general shall prepare system of books, records, etc., for use of officers required to perform duties under the land registration act, 5309.97.

Bond of secretary of state to be approved by attorney general, 111.02.

Code of military justice, judge advocates, 5924.06.

Contracts for public buildings, duties as to, 153.08, 153.20.

Duty of as to claims due the state, 115.17, 115.42.

General assembly, opinions to, 109.13.

Industrial commission, duties as to, 4101.09.

Insurance companies, duties regarding, 3907.03, 3925.01, 3929.37.

Limitation of employment of inmates of penitentiaries, duty to enforce, 5147.26.

Oil and gas leases of state property, attorney general to draw, 5101.12.

Prosecuting attorneys, when to advise, 109.14.

Public utilities commission, duties as to, 4901.17.

Salary of, 141.01, 141.14.

Special counsel, appointment of, 109.07.

Workmen's compensation, duties as to, 4123.92.

Statistics, duty of, as to, 111.14.

Suits brought by superintendent of banks, under authority of law, to be conducted under direction and supervision of the attorney general, 1111.11.

To enforce performance of duties of college officers, 1713.31.

See 4111.15 and note citing 1937 OAG 1393.

OJur 2d: 6, Attorney General § 1, 4, 9; 26, Governor § 4

109.03 (334). Appointment of assistant attorney general and chief counsel; duties.

The attorney general may appoint a first assistant attorney general, a chief counsel, and assistant attorneys

general, each of whom shall be an attorney at law, to serve for the term for which the attorney general is elected, unless sooner discharged by him, and each shall perform such duties, not otherwise provided by law, as are assigned him by the attorney general.

OJur 2d: 6, Attorney General § 3

109.04 (335). Powers and duties of first assistant attorney general.

During the absence or disability of the attorney general, or when so directed by the attorney general, including all the rights, privileges, and powers conferred upon the attorney general by sections 2939.10, 2939.11, and 2939.17 of the Revised Code, the first assistant attorney general shall perform the duties of the attorney general.

OJur 2d: 6, Attorney General § 3

109.05 (337). Employees.

The attorney general may appoint such employees as are necessary.

OJur 2d: 6, Attorney General § 3

109.06 (332). Bond.

Before entering upon the discharge of the duties of his office, the attorney general shall give a bond to the state in the sum of five thousand dollars, with two or more sureties approved by the governor, conditioned for the faithful discharge of the duties of his office. Such bond, with the approval of the governor and the oath of office indorsed thereon, shall be deposited with the secretary of state and kept in his office.¹

The first assistant attorney general shall give a bond to the state in the sum of five thousand dollars, and such other employees as are designated by the attorney general shall give a bond to the state in such amounts as the attorney general determines. Such bonds shall be approved by the attorney general, conditioned for the faithful discharge of the duties of their offices, and shall be deposited with the secretary of state and kept in his office.²

Source: *GC § 332, *§ 335.

OJur 2d: 6, Attorney General § 1, 3; 26, Governor § 6

109.07 (336). Special counsel.

The attorney general may appoint special counsel to represent the state in civil actions, criminal prosecutions, or other proceedings in which the state is a party or directly interested. Such special counsel shall be paid for their services from funds appropriated by the general assembly for that purpose.

OJur 2d: 6, Attorney General § 3

109.08 (336-1). Special counsel to collect claims.

The attorney general may appoint special counsel to represent the state in connection with all claims of whatsoever nature which are certified to the attorney general for collection under any law or which the attorney general is authorized to collect.

Such special counsel shall be paid for their services from funds collected by them in an amount approved by the attorney general.

OJur 2d: 6, Attorney General § 3

109.09 (338). Action on official bonds.

When so directed, the attorney general shall bring an action on the official bond of a delinquent officer, and shall also prosecute any officer for an offense against the revenue laws of the state that come to his knowledge. Such action may be brought by him in the court of common pleas of Franklin county, or of

any county in which one or more of the defendants reside, or can be summoned.

OJur 2d: 44, Public Officers § 99, 125, 127

109.10 (339). Proceedings in quo warranto.

The attorney general may prosecute a proceeding in quo warranto in the supreme court of the state, the court of appeals of Franklin county, or the court of appeals of any county wherein a defendant company has a place of business, or the officers or persons made defendants reside or may be found.

Quo warranto, 1331.11, 1331.12, 2733.03.

OJur 2d: 6, Attorney General § 13; 45, Quo Warranto § 3, 25

109.11 Canal land disputes; title.

The attorney general shall be the legal advisor of the department of public works and all other departments of the state in disputes concerning canals, canal basins, and canal lands; and shall examine and perfect title to all state canals, canal basins, and canal lands.

The attorney general may designate one or more of his assistant attorneys general or other personnel to perform such duties and, where necessary, may contract with surveyors, survey companies, title examiners, and title companies in furtherance of such duties. Such assistant attorneys general or other personnel shall receive such remuneration as may be fixed by the attorney general.

The attorney general shall submit quarterly reports to the natural resources commission, and the legislative service commission summarizing the activities of the office of the attorney general in connection herewith. (128 v 317. Eff. 9-17-59.)

Note: Former 109.11 (GC 340) was repealed by 125 v 351, eff. 10-14-53.

109.12 (341). Legal advice to state officers and board.

The attorney general, when so requested, shall give legal advice to a state officer, board, commission, the warden of the penitentiary, the superintendent, trustees, or directors of a benevolent or reformatory institution of the state, and the trustees of the Ohio state university, in all matters relating to their official duties.

Pardon and parole commission, 2965.06.

Printing and distribution of opinions, 125.69.

OJur 2d: 6, Attorney General § 4; 43, Prisons and Prisoners § 11; 54, Universities, etc § 40

109.13 (342). General assembly may require written opinions.

When so required by resolution, the attorney general shall give his written opinion on questions of law to either house of the general assembly.

OJur 2d: 6, Attorney General § 4

109.14 (343). Attorney general shall advise prosecuting attorneys.

When requested by them, the attorney general shall advise the prosecuting attorneys of the several counties respecting their duties in all complaints, suits, and controversies in which the state is, or may be a party.

See Baldwin's School Laws Text § 2.

OJur 2d: 6, Attorney General § 4

109.15 (344). Forms of contracts.

The attorney general shall prepare suitable forms of contracts, obligations, and other like instruments of writing for the use of state officers, when requested by the governor, secretary of state, auditor of state, or treasurer of state.

OJur 2d: 6, Attorney General § 7; 26, Governor § 4; 45, Public Works and Contracts § 19

109.16 (345). Suits may be brought in Franklin county.

The attorney general may prosecute an action, information, or other proceeding in behalf of the state, or in which the state is interested, except prosecutions by indictment, in the proper court of Franklin county, or of any other county in which one or more of the defendants reside or may be found. No civil action, unless elsewhere specially provided, shall be commenced in Franklin county, if one or more of the defendants do not reside or cannot be found therein, unless the attorney general certifies on the writ that he believes the amount in controversy exceeds five hundred dollars.

See Baldwin's Civil Manual, Text 9(4)

Water pollution control, forfeiture for failure to obey orders; prima-facie evidence, 6111.30.

OJur 2d: 6, Attorney General § 10; 51, Taxation § 450; 55, Venue § 13, 18

109.17 (346). Writs in other counties.

In all cases instituted by the attorney general under sections 109.01 to 109.22, inclusive, of the Revised Code, the writ may be sent by mail to the sheriff of any county, and returned by him in like manner. For such service, the sheriff shall be allowed the same mileage and fees as if the writ had been issued from the court of common pleas or the court of appeals of his county, and made returnable thereto.

OJur 2d: 6, Attorney General § 11; 44, Process § 31; 49, Sheriff's, etc § 16

109.18 (347). Service by publication.

If a writ or mesne process in proceedings in quo warranto is returned "not found" by the sheriff of the county in which the company is authorized by law to have its place of business, the clerk of the court in which the information or other proceeding is filed shall issue a notice of the filing and substance thereof, and cause it to be published once a week for six consecutive weeks in a newspaper printed and of general circulation in the county wherein such company is authorized to have its place of business. An affidavit of the publication together with a copy of the notice shall be filed in the office of the clerk. If the defendant company fails to answer or plead to such information or proceeding within thirty days from the filing of the affidavit and copy, judgment shall be given upon the default as if the writ or mesne process had been served and returned.

OJur 2d: 45, Quo Warranto § 39, 40, 54

109.19 (348). Security for costs and verification of pleadings.

No undertaking or security is required on behalf of the state or an officer thereof, in the prosecution or defense of any action, writ, or proceeding. In an action, writ, or proceeding it is not necessary to verify the pleadings on the part of the state or any officer thereof.

See Baldwin's Civil Manual, Text 13 (21)

OJur 2d: 3, Appellate Review §§ 334, 628; 6, Attorney General § 11; 14, Costs § 58, 90; 38, Municipal and County Courts § 77, 300; 43, Pleading § 43; 45, Quo Warranto § 40

109.20 (349). Actions to be taken out of their order.

Upon motion of the attorney general, embodying a statement that the public interests require it, a civil action, brought or prosecuted by him on behalf of the state, or an officer, board, or commission thereof, or an action in which the state is a party, shall be taken out of its order upon the docket and assigned for trial at as early a day as practicable.

OJur 2d: 6, Attorney General § 11

109.21 (350). Annual report.

The attorney general shall pay all moneys collected or received by him on behalf of the state into the state treasury to the credit of the general revenue fund. Each year he shall make a report to the governor of the moneys so received and the business of his office, together with an abstract of the statistics of crime returned to him by the prosecuting attorneys of the several counties.

Reports of state officers, 149.01.

OJur 2d: 6, Attorney General § 8; 26, Governor § 15

109.22 (351). Registers shall be kept.

The attorney general shall keep a register of all actions, demands, complaints, writs, informations, and other proceedings, prosecuted or defended by him, noting therein the proceedings under each, and a register of all official opinions in writing given by him. He shall deliver to his successor the registers, papers, documents, books, and other property belonging to his office.

OJur 2d: 6, Attorney General § 4, 9

CHARITABLE TRUSTS

109.23. Definition of charitable trust; application.

As used in sections 109.23 to 109.33, inclusive, of the Revised Code, "charitable trust" means any fiduciary relationship with respect to property arising as a result of a manifestation of intention to create it, and subjecting the partnership, corporation, person, or association of persons by whom the property is held to equitable duties to deal with the property for any charitable, religious or educational purpose. There are excluded from this definition and from the operation of such sections, trusts until such time as the charitable, religious or educational purpose expressed in such trust becomes vested in use or enjoyment. Such sections do not apply to charitable, religious and educational institutions holding funds in trust or otherwise exclusively for their own purposes nor to institutions created and operated as agencies of the state government or any political subdivision thereof. (125 v 351. Eff. 10-14-53.)

Note: In addition to those types of charitable trusts with registration requirements previously recognized, registration will be required of all charitable corporations operating in this state which have been or will be filing Forms 990A with the Internal Revenue Service. Interpretation of Att General, March 30, 1960, reported at 33 Ohio Bar 502.

See Merrick-Rippner Probate Manual, Text 3, 63(14)

OJur 2d: 6, Attorney General § 21

109.24. Enforcement.

The attorney general shall institute and prosecute a proper action to enforce the performance of any charitable trust, and to restrain the abuse thereof whenever he deems such action advisable or if directed to do so by the Governor, the supreme court, the general assembly, or either house thereof. Such action may be brought in his own name, on behalf of the state, or in the name of a beneficiary of the trust, in any court having jurisdiction in any county wherein the trust property or any part thereof is situated or invested, or where the trustee resides. No such action shall abate or discontinue by virtue of the discontinuance in office of the attorney general in whose name such actions may be brought but shall be prosecuted to final judgment * or mandate as if no change had occurred. (125 v 351. Eff. 10-14-53.)

* So in original.

OJur 2d: 6, Attorney General § 21; 9, Charities § 35

109.25 Service of process on charitable trust.

The attorney general is a necessary party to and shall be served with process or with summons by registered

mail in all proceedings, the object of which is to:

(A) Terminate a charitable trust or distribute its assets to other than charitable donees;

(B) Depart from the objects or purposes of a charitable trust as the same are set forth in the instrument creating the trust, including any proceeding for the application of the doctrine of cy pres;

(C) Construe the provisions of an instrument with respect to a charitable trust.

A judgment rendered in such proceedings without service of process upon the attorney general is void, unenforceable, and shall be set aside upon the attorney general's motion seeking such relief. The attorney general shall intervene in any proceeding affecting a charitable trust when requested to do so by the court having jurisdiction of the proceeding, and may intervene in any proceeding affecting a charitable trust when he determines that the public interest should be protected in such proceeding. No compromise, settlement agreement, contract, or judgment agreed to by any or all parties having or claiming to have an interest in any charitable trust is valid if the compromise, settlement agreement, contract, or judgment modifies or terminates a charitable trust unless the attorney general was made a party to all such proceedings and joined in said compromise settlement agreement, contract, or judgment; provided, that the attorney general is expressly authorized to enter into such compromise, settlement agreements, contracts, or judgments as may be in the best interests of the public. (129 v 582. Eff. 1-10-61. 125 v 351)

See Merrick-Rippner Probate Manual, Text 3

OJur 2d: 6, Attorney General § 21; 9, Charities § 35

109.26. Register of charitable trusts; duty of trustees.

In addition to all his common law and statutory powers, the attorney general shall prepare and maintain a register of all charitable trusts established or active in this state, and the trustees of said trusts shall register said trusts with the attorney general on forms prescribed by the attorney general for that purpose.

No trustee of a charitable trust shall willfully fail to register such charitable trust as required by this section. (129 v 582. Eff. 1-10-61. 125 v 351)

Note: In addition to those types of charitable trusts with registration requirements previously recognized, registration will be required of all charitable corporations operating in this state which have been or will be filing Forms 990A with the Internal Revenue Service. Interpretation of Att General, March 30, 1960, reported at 33 Ohio Bar 502.

Penalty, 109.99(A).

OJur 2d: 6, Attorney General § 21; 9, Charities § 37

109.27. Rules and regulations concerning information for register.

The attorney general shall make such rules and regulations subject to the provisions of sections 119.01 to 119.13, inclusive, of the Revised Code, as he may deem necessary to secure records and other information for the operation of the register of charitable trusts. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21

109.28. Register open for inspection, when.

The register established by section 109.26 shall be open to the inspection of any person at such reasonable times and for such legitimate purposes as the attorney general may determine; provided, however, that any investigation of a charitable trust shall not be open to public inspection. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21

109.29. Probate and common pleas papers relating to charitable trusts.

Each probate and common pleas judge shall furnish

copies of papers and such information as to the records and files of his office relating to charitable trusts as the attorney general may require. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21; 9, Charities § 33; 31, Judges § 41

109.30. Notice of will creating charitable trust.

Immediately after the probate of any will containing clauses creating or purporting to create a charitable trust as defined in section 109.23, the probate judge shall notify the attorney general thereof. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21; 9, Charities § 33; 55, Wills § 262

109.31. Biennial report by trustees.

Any trustee of a charitable trust shall biennially, unless otherwise directed by the attorney general, make to him a written report for the two preceding fiscal years of such trust showing the property so held and administered, the receipts and expenditures in connection therewith, and such other information as the attorney general may require; provided however, that if such trustee is required by law or court order to file with any court an account or report, the attorney general shall accept a certified copy thereof in lieu of the written report herein required. Refusal to file such a report shall constitute a breach of trust and the attorney general shall take such action as may be appropriate to compel compliance herewith. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21; 9, Charities § 37

109.32. Investigations and audits.

The auditor of state shall make any investigations and audits which the attorney general may request in enforcing sections 109.23 to 109.33, inclusive, of the Revised Code. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21; 9, Charities § 33

109.33. Assistants, employees, experts; compensation.

The attorney general may appoint such assistants and may employ such stenographers and clerks and fix the compensation of such assistants, stenographers and clerks as may be necessary to carry out sections 109.23 to 109.33, inclusive, of the Revised Code. The attorney general may also employ experts for assistance in any specific matter at a reasonable rate of compensation. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General §§ 3, 21

OBSCENITY LAWS

109.40. Compilation and distribution of statutes relative to obscenity laws.

The attorney general shall compile all statutes relative to obscenity in a convenient pamphlet or paper and may distribute this compilation, without charge, to such sheriffs, police chiefs, county prosecutors, city prosecutors, mayors, constables, judges of the courts of common pleas, county court judges, municipal judges, and other interested parties, as may request such distribution, and make available a reasonable number of such compilations to fill such requests.

The attorney general shall, from time to time, supplement and keep the compilation current and he may, upon request, distribute such supplemental material in the manner provided in this section. (128 v 554. Eff. 11-5-59.)

AGENT IN ESCHEAT

109.41 Agent in certain escheat matters.

Whenever any state begins procedure to escheat property of any person who is an Ohio citizen, corporation, firm, or resident, or whose last known address was in Ohio, on the ground that such property has been abandoned, or on any other grounds, the attorney general may, after making diligent effort to notify the owner of such property and failing in the same, act as attorney in fact for such Ohio owner to claim such property. Upon taking custody of such property, the attorney general shall deposit same in the general fund of Ohio, or if such property be in kind, the attorney general shall cause the same to be sold pursuant to section 2113.40 of the Revised Code, and deposit the proceeds of such sale in said general fund. Claims to such property shall thereafter be made in the manner provided for in section 127.11 of the Revised Code. (129 v 497. Eff. 10-12-61)

BUREAU OF CRIMINAL IDENTIFICATION
AND INVESTIGATION**109.51 Creation of bureau of criminal identification and investigation.**

There is hereby created in the office of the attorney general, a bureau of criminal identification and investigation to be located at the site of the London correctional institution. The attorney general shall appoint a superintendent of said bureau. The superintendent shall appoint, with the approval of the attorney general, such assistants as are necessary to carry out the functions and duties of the bureau as contained in sections 109.51 to 109.63, inclusive, of the Revised Code. (130 v H 263. Eff. 9-24-63)

Note: 130 v H 263, § 2, provides: On or before July 1, 1963, the director of the department of mental hygiene and correction shall order in writing the transfer forthwith of all buildings, facilities, and equipment of the bureau of criminal identification and investigation, located at the London correctional institution in Madison county, to the attorney general. The department of mental hygiene and correction shall continue to furnish utilities, maintenance and protection to the building so located.

All employees of the department of mental hygiene and correction in the classified civil service whose duties are transferred by this act to the office of the attorney general as determined by the department of state personnel shall be automatically transferred to the office of the attorney general with the same civil service rights, seniority, length of service, and compensation in effect at the time of such transfer.

OJur 2d: 15, Criminal Law § 50

109.52 Criminal analysis laboratory; investigators and technicians.

The bureau of criminal identification and investigation may operate and maintain a criminal analysis laboratory and mobile units thereof, create a staff of investigators and technicians skilled in the solution and control of crimes and criminal activity, keep statistics and other necessary data, assist in the prevention of crime, and engage in such other activities as will aid law enforcement officers in solving crimes and controlling criminal activity. (130 v H 263. Eff. 9-24-63)

109.53 Equipment and furnishings of the bureau.

The bureau of criminal identification and investigation shall be supplied with furniture, fixtures, apparatus, vehicles, and materials necessary to carry out the functions and duties of the bureau as contained in sections 109.51 to 109.63, inclusive, of the Revised Code. (130 v H 263. Eff. 9-24-63)

109.54 Intergovernmental cooperation.

The bureau of criminal identification and investigation may investigate any criminal activity in this state which is of statewide or intercounty concern when re-

quested by local authorities and may aid federal authorities, when requested, in their investigation of any criminal activity in this state.

The bureau may provide such trained investigative personnel and specialized equipment as may be requested by any sheriff, chief of police, or other law officer to aid and assist such officer in the investigation and solution of any crime or the control of any criminal activity occurring within his jurisdiction. This assistance shall be furnished by the bureau without disturbing or impairing any of the existing law enforcement authority or the prerogatives of local law enforcement authorities or officers. (130 v H 263. Eff. 9-24-63)

109.55 Coordination of law enforcement activities.

The superintendent of the bureau of criminal identification and investigation shall recommend cooperative policies for the coordination of the law enforcement work and crime prevention activities of all state and local agencies and officials having law enforcement duties to promote cooperation between such agencies and officials, to secure effective and efficient law enforcement, to eliminate duplication of work, and to promote economy of operation in such agencies. (130 v H 263. Eff. 9-24-63)

109.56 Training local law enforcement authorities.

The bureau of criminal identification and investigation shall, where practicable, assist in training local law enforcement officers in crime prevention, detection, and solution when requested by local authorities, and, where practicable, furnish instruction to sheriffs, chiefs of police, and other law officers in the establishment of efficient local bureaus of identification in their districts. (130 v H 263. Eff. 9-24-63)

109.57 Filing of photographs, fingerprints, descriptions of persons convicted of felony and habitual criminals.

The superintendent of the bureau of criminal identification and investigation shall procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and such other information as may be pertinent, of all persons who have been convicted of felony within the state, and of all well known and habitual criminals, from wherever procurable. The person in charge of any state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony shall furnish such material to the superintendent of the bureau upon request. The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on charge of felony. He shall also file for record the fingerprint impressions of all persons confined in any workhouse, jail, reformatory, or penitentiary, for the violation of state laws, and such other information as he may receive from law enforcement officials of the state and its subdivisions.

The superintendent shall carry out sections 2950.01 to 2950.08, inclusive, of the Revised Code, in regard to the registration of habitual sex offenders. (130 v S 160. Eff. 10-4-63. 130 v H 263. Eff. 9-24-63)

109.58 Superintendent shall prepare a standard fingerprint impression sheet.

The superintendent of the bureau of criminal identification and investigation shall prepare standard impression sheets on which fingerprints may be made in accordance with the fingerprint system of identification. Such sheets may provide for other descriptive matter which the superintendent may prescribe. Such sheets

shall be furnished to each sheriff, chief of police, and person in charge of every workhouse, reformatory, or penitentiary within the state. (130 v H 263. Eff. 9-24-63)

109.59 Fingerprint impression and descriptive measurement records.

The sheriff, chief of police, or other person in charge of each prison, workhouse, reformatory, or penitentiary shall send to the bureau of criminal identification and investigation, on forms furnished by the superintendent of such bureau, such fingerprint impressions and other descriptive measurements which the superintendent may require. Such information shall be filed, classified, and preserved by the bureau. (130 v H 263. Eff. 9-24-63)

109.60 Duty of sheriffs and chiefs of police to take fingerprints; report.

The sheriffs of the several counties and the chiefs of police of cities shall immediately upon the arrest of any person for any felony, on suspicion of any felony, take his fingerprints, or cause the same to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation, and forward the same, together with such other description as may be required and with the history of the offense committed, to the bureau to be classified and filed. Should any accused be found not guilty of the offense charged, then said fingerprints and description shall be given to the accused upon his request. The superintendent shall compare the descriptions received with those already on file in the bureau, and if he finds that the person arrested has a criminal record or is a fugitive from justice, he shall at once inform the arresting officer of such fact. The names, under which each person whose identification is thus filed is known, shall be alphabetically indexed by the superintendent.

This section does not apply to a violator of a city ordinance or a person arrested for a misdemeanor, unless the officers have reason to believe that such person is a past offender, or unless it is advisable for the purpose of subsequent identification. This section does not apply to any child under eighteen years of age, except as provided in section 2151.31 of the Revised Code. (130 v H 263. Eff. 9-24-63)

109.61 Descriptions, fingerprints, and photographs sent to bureau by sheriffs and chiefs of police.

Each sheriff or chief of police shall furnish the bureau of criminal identification and investigation with descriptions, fingerprints, photographs, and measurements of:

(A) Persons arrested who in such police official's judgment are wanted for serious offenses, are fugitives from justice, or in whose possession at the time of arrest are found goods or property reasonably believed to have been stolen;

(B) All persons in whose possession are found burglar outfits, burglar tools, or burglar keys, or who have in their possession high power explosives reasonably believed to be intended to be used for unlawful purposes;

(C) Persons who are in possession of infernal machines or other contrivances in whole or in part and reasonably believed by said sheriffs or chiefs of police to be intended to be used for unlawful purposes;

(D) All persons carrying concealed firearms or other deadly weapons reasonably believed to be carried for unlawful purposes;

(E) All persons who have in their possession inks, dies, paper, or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank

notes, or dies, molds, or other articles necessary in the making of counterfeit money and reasonably believed to be intended to be used by them for such unlawful purposes. (130 v H 263. Eff. 9-24-63)

109.62 Interstate, national, and international cooperation.

The superintendent of the bureau of criminal identification and investigation shall cooperate with bureaus in other states and with the federal bureau of investigation to develop and carry on a complete interstate, national, and international system of criminal identification and investigation. (130 v H 263. Eff. 9-24-63)

109.63 Superintendent and assistants may testify in court.

The superintendent of the bureau of criminal identification and investigation and his assistants employed in accordance with section 109.51 of the Revised Code may testify in any court in this state to the same extent as any law enforcement officer in this state. (130 v H 263. Eff. 9-24-63)

OHIO PEACE OFFICER TRAINING COUNCIL

109.71 Ohio peace officer training council.

There is hereby created in the office of the attorney general the Ohio peace officer training council. Such council shall consist of nine members to be appointed by the governor with the advice and consent of the senate, selected as follows: one member from the Ohio board of regents; two members to be incumbent sheriffs; two members to be incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member to be the special agent in charge of a field office of the federal bureau of investigation in the state; one member from the state department of education, trade and industrial education services, law enforcement training. (131 v H 363. Eff. 9-6-65)

109.72 Membership; appointment; term; meetings; expenses.

Members of the Ohio peace officer training council shall be appointed for terms of three years, provided that the original appointments shall be made as follows: three for a term of one year; three for a term of two years; three for a term of three years. One chief of police and one sheriff shall be appointed for the first two year term and one chief of police and one sheriff shall be appointed for the first three year term. Thereafter, all appointments shall be for terms of three years. An interim chairman shall be appointed by the governor until such time as the council elects a permanent chairman.

Any member of the council appointed pursuant to section 109.71 of the Revised Code as an incumbent sheriff, incumbent chief of police, representative of the state highway patrol, state department of education, federal bureau of investigation, and bureau of criminal identification and investigation, shall immediately, upon termination of his holding such office, cease to be a member of the council, and a successor shall be appointed for the unexpired term.

The council shall meet at least four times each year. Special meetings may be called by the chairman and shall be called by him at the request of the attorney general or upon the written request of five members of the council. The council may establish its own requirements as to quorum and its own procedures with respect to the conduct of its meetings and other affairs; provided, that all recommendations by the council to the attorney general pursuant to section 109.74 of the Revised Code shall

require the affirmative vote of five members of the council.

Membership on the council does not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not exercise any portion of the sovereign power of the state.

The members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment, by reason of his appointment to the council, notwithstanding any general, special, or local law, ordinance, or city charter to the contrary. (131 v H 363. Eff. 9-6-65)

109.73 Powers and duties.

(A) The Ohio peace officer training council may recommend to the attorney general rules and regulations with respect to:

(1) The approval, or revocation thereof, of peace officer training schools administered by state, county, and municipal corporations, public school districts, and technical institute districts;

(2) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved state, county, and municipal peace officer training schools;

(3) Minimum qualifications for instructors at approved state, county, and municipal peace officer training schools;

(4) The requirements of minimum basic training which peace officers appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;

(5) The requirements of minimum basic training which peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment on a non-permanent basis;

(6) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications.

(B) The council shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the council. He shall perform such duties as may be assigned to him by the council. He shall receive compensation, as fixed by the council, and reimbursement for the expenses within the amounts available by appropriation. The executive director may appoint such officers, employees, agents, and consultants as he may deem necessary, prescribe their duties, fix their compensation, and provide for reimbursement of their expenses within the amounts available therefor by appropriation and with the approval of council.

(C) The council may, in addition:

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77, inclusive, of the Revised Code;

(2) Visit and inspect any peace officer training school approved by the executive director or for which application for such approval has been made;

(3) Make recommendations, from time to time, to the executive director, attorney general and the general assembly, regarding the carrying out of the purposes of sections 109.71 to 109.77, inclusive, of the Revised Code;

(4) Report to the attorney general from time to time

and to the governor and to the general assembly at least annually, concerning the activities of the council;

(5) Perform such other acts as may be necessary or appropriate to carry out the powers and duties of the council as set forth in sections 109.71 to 109.77, inclusive, of the Revised Code. (131 v H 363. Eff. 9-6-65)

109.74 Promulgation of rules and regulations by attorney general.

The attorney general, in his discretion, may in accordance with Chapter 119. of the Revised Code, adopt and promulgate any or all of the rules and regulations recommended by the Ohio peace officer training council to the attorney general pursuant to section 109.73 of the Revised Code. When the attorney general promulgates any rule or regulation recommended by the council, he shall transmit a certified copy thereof to the secretary of state. (131 v H 363. Eff. 9-6-65)

109.75 Executive director.

The executive director of the Ohio peace officer training council, on behalf of the council, shall have the following powers and duties, to be exercised with the general advice of the council and, to be exercised only in accordance with rules and regulations promulgated by the attorney general pursuant to section 109.74 of the Revised Code:

(A) To approve peace officer training schools administered by state, county, and municipal corporations, to issue certificates of approval to such schools, and to revoke such approval or certificate;

(B) To certify, as qualified, instructors at approved peace officer training schools and to issue appropriate certificates to such instructors;

(C) To certify peace officers who have satisfactorily completed basic training programs and to issue appropriate certificates to such peace officers;

(D) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officers training schools;

(E) To consult and cooperate with state, county, and municipal peace officer training schools for the development of advanced in-service training programs for peace officers;

(F) To consult and cooperate with universities, colleges, and institutes for the development of specialized courses of study in the state for peace officers in police science and police administration;

(G) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer training;

(H) To perform such other acts as may be necessary or appropriate to carry out his powers and duties as set forth in sections 109.71 to 109.77, inclusive, of the Revised Code;

(I) To report to the council at each regular meeting of the council and at such other times as may be required. (131 v H 363. Eff. 9-6-65)

109.76 Construction of act.

Nothing in sections 109.71 to 190.77, inclusive, of the Revised Code, shall be construed to except any peace officer, or other officer or employee from the provisions of Chapter 143. of the Revised Code. (131 v H 363. Eff. 9-6-65)

109.77 Certificate necessary for permanent employment.

Notwithstanding any general, special, or local law or charter to the contrary, no person shall, after January 1, 1966, receive an original appointment on a permanent basis as a peace officer of any county, township, or municipal corporation unless such person has previously

been awarded a certificate by the executive director of the Ohio peace officer training council, attesting to his satisfactory completion of an approved state, county, or municipal police basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a peace officer of any county, township, or municipal corporation, shall forfeit his position as such unless he previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, or municipal peace officer basic training school for temporary

or probationary officers and is awarded a certificate by such director attesting thereto. (131 v H 363. Eff. 9-6-65)

109.99. Penalty.

(A) Whoever violates section 109.26 of the Revised Code shall be fined not less than five hundred nor more than ten thousand dollars or be imprisoned not less than one month nor more than one year, or both. (125 v 351. Eff. 10-14-53.)

OJur 2d: 6, Attorney General § 21; 9, Charities § 37

INDEX

References are to 1966 Opinion numbers

ADVERTISEMENT

Depository of public funds, for, 66-104

AFFIDAVIT

Hunting permit duplicate, 66-099
Recorded instrument, affecting, recording, 66-013

AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

Grant, county commissioners, 66-158

AIRPORT

Appropriation, township trustees, 66-048

AIRPORT AUTHORITY

Appropriation, general fund, township trustees, 66-048
Costs, county or municipal corporation sharing, 66-056
County expense, general fund, 66-056
County or municipal corporation sharing costs, 66-056
County owned, operated
Tax levy, 66-056

AIRPORT ZONING BOARD

Majority a quorum, 66-167
Rules and regulations, adoption, 66-167

ALCOHOLIC BEVERAGES

Violations, jurisdiction, 66-001

ANIMAL

Trainers, riders
Use of spurs, whips, bats, 66-026

ANNEXATION

Statutory authority, 66-061
Township trustee
Public funds, 66-061
Special counsel, 66-061
Statutory authority, 66-061

APPROPRIATIONS

Airport authority, 66-048
Ordinance, publication, 66-014

ARCHITECT

Unregistered, practicing, 66-058

ARREST

Private police, 66-179
Warrant, solicitor's duty, 66-159

ATTORNEY GENERAL

Informal opinions--See Table 5

AUCTION

License, 66-180
Police auctioneer, 66-180
Township equipment, sale, 66-129

AUDITOR

County
Tax levy certification, 66-139
Tax list in duplicate, statutory provisions mandatory, 66-052

BALLOT--See ELECTION

BANK

Articles of incorporation
Bank, another county, 66-037
Branch, another county, 66-037
Superintendent's consent, branch in another county, 66-037

BEQUEST--See GIFT, BEQUEST

BIDS--See CONTRACT

BOARD OF EDUCATION--See EDUCATION, BOARDS OF

BOARD OF ELECTIONS--See ELECTION

BONDS, INVESTMENT

County contract, restrictions on financing, 66-021
Financing, contract restrictions, 66-021
Notes
Issuance, university branch district, 66-136
Sale restrictions, contract void, 66-021

BRIDGE

Park, in, construction or repair, 66-008

BUDGET COMMISSION

Tax levy, certification to auditor, 66-139

BUILDING

Drawings not prepared by registered architects, 66-058
"For their own use", 66-058
Leased property, on, taxation, 66-089, 66-090

Permits

Applications by other than owner or architect, 66-058

BUILDING AND LOAN ASSOCIATION

Dividends, transfer to members, 66-123
Federal charter, conversion, 66-075
Fee, annual statement, 66-075
Five year loan, vacant lots, 66-116
Loan, conversion, 66-115
Loan secured by realty, 66-116

BUILDING AND LOAN ASSOCIATION - *Continued*
 Mortgage, deferred payment, 66-115
 Payments to, 66-116
 Unamortized loan, conversion, 66-115

BUILDING CODE
 House trailer, application, 66-182

BUSINESS
 Special constable, 66-171

CANDIDATE--See **ELECTION**

CEMETERY
 Private, transfer to township, 66-163

CEMETERY, TOWNSHIP
 Private cemetery, transfer, 66-163
 Survey, county engineer, 66-084

CHILD--See **MINOR**

CHILDREN'S HOME
 School tuition, 66-077

CHILD WELFARE BOARD
 Child placement, school costs, 66-077
 Child surrendered to, support pay-
 ments, 66-148
 Support from parents, demand, 66-148

CITY--See **MUNICIPAL CORPORATION**

CIVIL SERVICE
 City school district, effect, 66-010
 Ohio arts council, 66-072
 Police chief examination,
 eligibility, 66-178
 School district, city, application, 66-010

CLERK OF COURTS
 Hunting license duplicate, 66-099

CODIFICATION
 Municipal, new matter, 66-111

COLLEGE--See **UNIVERSITY OR COLLEGE**

COMMON PLEAS COURT
 County court judges reduced, 66-029

COMMUNITY COLLEGE
 Plan, expenses, 66-097

**COMMUNITY IMPROVEMENT
 CORPORATION**
 County agent, as, 66-103

COMPATIBILITY OF OFFICE--See **Table 4**

CONDOMINIUM PROPERTY, 66-068

CONSTABLE
 Discharge, 66-088
 Mutual aid contract, 66-183
 Police training, certification, 66-137
 Special, appointment, 66-171
 Workmen's compensation, 66-171, 66-183

CONTRACT
 Bids
 Without, township, 66-129
 Certification, 66-117
 Conflict of interest, 66-152
 Housing officials, 66-162
 County, bond financing, 66-021
 County, lease-purchase, 66-117
 County, private water supply, 66-119
 Fireman, interest in, 66-152
 Mutual aid, constable, 66-183
 Police assistance, 66-179
 Policeman, interest in, 66-152
 Subdivision political with township
 trustee, 66-064
 Township, purchase without bid, 66-129
 Township trustee with political sub-
 division, 66-064

CORPORATION
 Special constable, 66-171

COSMETOLOGIST
 Examination, when required, 66-121
 Instructor's license, 66-122
 Manager's license, 66-055, 66-121,
 66-122

COSTS--See **FEEES AND COSTS**

COUNTY
 Airport authority--See **AIRPORT
 AUTHORITY**
 Auction license, 66-180
 Auditor, statutory provisions mandatory,
 66-052
 Banks, branches established, 66-037
 Community improvement corporation as
 agent, 66-103
 Detention home board, withdrawal, 66-112
 Employee--See **EMPLOYEE, PUBLIC**
 Funds, interest on investment, 66-130
 Hospital--See **HOSPITAL**
 Lease, 66-117
 Lease of building, 66-128
 Nursing home--See **NURSING HOME,
 COUNTY**
 Tuberculosis hospital--See
 TUBERCULOSIS HOSPITAL
 Water supply, private, building, 66-119

COUNTY COMMISSIONERS
 Agricultural research, grant for, 66-158
 Bridge repairs, etc., 66-008
 Community college plan, expenses, 66-097
 Contract, bond financing, restric-
 tion, 66-021
 Gift to community college, 66-097
 Grant for agricultural research, 66-158
 Investment of funds, interest, 66-130
 Lease-purchase agreement, 66-117
 Prosecuting attorney, legal adviser, 66-017
 University branch district, creation, 66-017
 Welfare employee, removal, 66-186

COUNTY COURT

Judge
 Ballot, 66-176
 Vacancy, filling, 66-029, 66-176
 Village solicitor, as, 66-138
 Office abolished, 66-029
 Population reduction, district's area
 jurisdiction, 66-029
 Vacancy filled, 66-029

COUNTY HOME

Poor relief contribution, 66-143

COUNTY RECORDER--See RECORDER,
COUNTY

COURTHOUSE

Lease of building, 66-128

DEEDS

Hospital bill, as payment, 66-185
 Identification of preparer, 66-076
 Unauthorized practice of law, 66-076

DEER PERMIT

Duplicate, 66-099

DEFENDANT

Criminal, solicitor representing, 66-159

DEFINITIONS

Hospital, 66-143
 Subdivision, 66-005

DEPOSITORY OF PUBLIC FUNDS

Advertisement for, 66-104

DETENTION HOME

Expenses, 66-173
 Funds, county contribution, 66-112
 Joint board, county withdrawal, 66-112
 Juvenile judge on board, 66-112
 Tax levy election, 66-173

DISABLED WORKMEN'S RELIEF
FUND, 66-156

DIVIDENDS

Building and loan association, 66-123

DOGS

Humane society, duties, fees, 66-126

EDUCATION, BOARDS OF

Bus owner, health insurance, 66-087
 Clerk, compatibility, 66-053
 Contract with township trustee, 66-064
 Health insurance, family plan, 66-087
 Levy, excess of 10-mill limit, 66-096
 Member
 Compatibility, 66-060
 "Other public calamity", 66-030
 Polling place, providing, 66-082
 School facilities, contributions, 66-105
 Superintendent, non-reemployment
 procedure, 66-085
 Testing, state-wide, expenses, 66-095

EDUCATION DEPARTMENT

Testing, state-wide, expenses, 66-095

ELECTION

Ballot, county judge, 66-176
 Board of elections
 Compatibility, 66-053
 Cemetery, transfer, 66-163
 Costs
 University branch district, 66-136
 Detention home construction, 66-173
 Districts, reapportionment, 66-005
 Nomination
 Reapportionment, 66-005
 Petition
 Signatures, 66-005
 Polling place
 School, providing in, 66-082
 Special
 One per year, 66-096
 Subdivision, defined, 66-005

EMBALMERS

Student registration, 66-165

EMPLOYEE, PUBLIC

County, length of service, vacation, 66-149
 Interview expenses, 66-006
 Moving expenses, payment by county,
 66-006
 Traveling expenses, 66-006
 Vacation
 Length of service, determining, 66-149
 Service credit, determination, 66-120

EMPLOYEES RETIREMENT SYSTEM

Ohio arts council, 66-072

ENGINEER

County, cemetery survey, 66-084
 County, survey for township, 66-084

FEES AND COSTS

Affidavit affecting recorded instru-
 ment, 66-013
 Airport authority--See AIRPORT
 AUTHORITY
 Building and loan annual statement, 66-075
 County recorder, 66-013
 Copying instruments, 66-125
 Election, 66-136
 Humane society, 66-126
 Hunting permit, duplicate, 66-099
 Police training, 66-137
 Polling place, used for, 66-082
 Recorded instrument, notation, 66-013

FELONY

City solicitor, duties, 66-159

FINANCING STATEMENT

Filing mandatory, 66-106
 House trailer, 66-106
 Instrument of encumbrance, 66-080
 Registered land, involving, 66-080
 Security interest affecting filing, 66-106

FIREARMS

Concealed, probation officer, 66-184
 Probation officer carrying, 66-184

FIRE DEPARTMENT

Access to fire, limited access highway, 66-114
 Contract with city, interest in, 66-152
 Equipment tax levy, accumulation of proceeds, 66-144
 Jurisdiction, 66-114
 Township, fire on limited access highway, 66-114

FIRE PROTECTION CONTRACT, 66-114**FUNDS, PUBLIC**

Annexation--See ANNEXATION
 Interest on investment, county, 66-130

FUNERAL DIRECTOR

Student registration, 66-165

GENERAL ASSEMBLY

District, reapportionment, 66-005

GENERAL HEALTH DISTRICT

Plumbing regulations, 66-172
 Powers, 66-172

GIFT, BEQUEST

Hospital, sale authorized by board, 66-067

GUN--See FIREARMS**HEAD START PROGRAM**

Teacher, retirement credit, 66-124

HEALTH BOARD

County
 Septic tank, license of cleaning personnel, 66-024

HEALTH COMMISSIONER

Tuberculosis clinic physician, as, 66-118

HEALTH DISTRICT

Board--See HEALTH BOARD

HEALTH INSURANCE

Board of education, 66-087
 Bus owner, school, 66-087

HIGHWAY DEPARTMENT

Bridge in parks, repairs, etc., 66-008

HIGHWAYS AND ROADS

Federal limited access highway
 Fire on, jurisdiction, 66-114
 Road inspector, 66-086
 Streets vacated, township, 66-065
 Township, maintenance and repair, 66-086
 Vacating streets, township, 66-065

HORSE

Trainers, riders use of spurs, whips, bats, 66-026

HOSPITAL

Board, joint township district
 Stocks, bonds, gift or bequest, investment, 66-067

County

Employees, additional salary, 66-157
 Extended service benefit, 66-157
 Lease of improvement, 66-127
 Maternal and infant out-patient care, 66-127
 Realty as payment or security, 66-185
 Traveling expenses, 66-006
 Definition, 66-143
 Delinquent bill, realty as payment, 66-185
 Gift, bequest
 Sale authorized by board, 66-067
 Improvement, out-patient care, 66-127
 Tuberculosis--See TUBERCULOSIS

HOSPITAL**HOUSE TRAILER**

Building code application, 66-182
 Financing statement, 66-106

HUMANE SOCIETY

Fees, 66-126

HUNTING AND FISHING

Deer permit, duplicate, 66-099
 Hunting license, duplicate, 66-099
 Hunting license, municipal, 66-151

INCOMPATIBLE OFFICES--See Table 4**INFORMAL OPINIONS--See Table 5****INSURANCE**

Health--See HEALTH INSURANCE

INTEREST

Delinquent taxes and assessments, 66-054

JOINT VOCATIONAL DISTRICT--See SCHOOL DISTRICT**JUDGE--See under individual court****JURISDICTION**

Liquor violation, 66-001
 Municipal courts, 66-001

JUVENILE COURT

Detention home construction, 66-173
 Judge on board of detention home, 66-112

LAKE ERIE

Liquor violations on, 66-001

LAW PRACTICE

Unauthorized, deed preparation, 66-076

LEASE

Building on, taxation, 66-089, 66-090
 Condominium--See CONDOMINIUM

PROPERTY

County, of building, 66-128
 Funds, certification, 66-117
 Hospital improvement, county, 66-127
 Municipality, by, 66-128

LEASE-PURCHASE

Certifications, 66-117
 County, agreement, 66-117
 Municipality, by, 66-128

LEGISLATIVE AUTHORITY

Parks and recreation--See **PARKS AND RECREATION**

LICENSE

Auction, 66-180
 Cosmetologist, manager, 66-055, 66-121, 66-122
 Hunting, duplicate, 66-099
 Hunting, municipal, 66-151
 Optometry, 66-079
 Septic tank, cleaning personnel, 66-024
 Strip mining, 66-078
 Statutory duty, violator, reclaiming mined land, 66-032
 Violator reclaiming mined land, 66-032

LIMITED ACCESS HIGHWAY

Fire on, jurisdiction, 66-114

LIMITED CIRCULATION OPINIONS--See Table 5

LIQUOR--See ALCOHOLIC BEVERAGES

LOAN

Realty securing, 66-116
 Unamortized, conversion, 66-115

MECHANOTHERAPY

Glasses, providing, 66-079
 Optometry, practicing, 66-079

METROPOLITAN HOUSING AUTHORITY

Conflict of interest, member, 66-162
 Member, interest in property, etc., 66-162

MINING

Chief of division of forestry and reclamation
 Applicant failing to comply, license, 66-032
 Refusal to issue license for strip mining, 66-032
 License, strip mining, 66-032
 Reclamation, effect of amendment, 66-078
 Strip mining license, 66-078
 Violator, mined land not reclaimed, 66-032

MINOR

Child welfare board--See **CHILD WELFARE BOARD**
 Township trustee's, employment of, 66-064
 Tuition, payment, 66-077

MISDEMEANOR

Private police arresting, 66-179
 Prosecution, municipal solicitor, 66-159

MOBILE HOME--See HOUSE TRAILER

MORTGAGE

Deferred payment, 66-115
 Second Mortgage Loan Law, 66-038

MOTOR VEHICLE

License
 Nonresident, militarymen, 66-074

MT. AIRY WELFARE CENTER

Poor relief, 66-164

MUNICIPAL CORPORATION

Airport authority--See **AIRPORT AUTHORITY**
 Appropriation ordinance, publication, 66-014
 Auction license, 66-180
 Conflict of interest, officers, 66-162
 Contract with township trustee, 66-064
 Council member, compatibility, 66-046
 Funds, transfer for park site, 66-160
 Joint recreational facilities, 66-007
 Lease of building, 66-128
 Officers, conflict of interest, 66-162
 Property, disposal, 66-140
 Recreation board hiring personnel, compensation, etc., 66-062
 Solicitor--See **SOLICITOR, MUNICIPAL**

MUNICIPAL COURT

Judge, vacation, 66-107
 Jurisdiction, 66-001
 Oberlin, jurisdiction, 66-001
 Vermilion, jurisdiction, 66-001

NOTES--See BONDS, INVESTMENT

NOTICE

Codification, new matter, 66-111

NURSING HOME, COUNTY

Poor relief payments, 66-143

OFFICER, PUBLIC

Director of public service, local authority, parks and recreation, 66-062

OFFICES, COMPATIBILITY--See Table 4

OHIO ARTS COUNCIL

Civil service, 66-072
 Member as officer, 66-072
 Retirement regulations, 66-072

OPTOMETRY

License required, 66-079
 Mechanotherapy practitioner, 66-079

ORDINANCE OR RESOLUTION

Appropriations, annual, publication, 66-014
 Codification, new matter, 66-111

"OTHER PUBLIC CALAMITY", 66-030

PARK COMMISSIONERS

Funds for park site, 66-160
 Local authority, 66-062
 Township--county cooperation, 66-007

PARK DISTRICT

Tax levy certification, 66-139

PARKS AND RECREATIONBoard of park commissioners--See **PARK COMMISSIONERS**

Bridge in, construction or repair, 66-008

Director of public service, local authority, 66-062

Joint acquisition of site, 66-160

Joint facilities, 66-007

Legislative authority, play leaders, recreation directors, etc., compensation, 66-062

"Local authorities"

Director of public service, board of park commissioners, 66-062

Municipal recreation board

Employing leaders, directors, supervisors, etc., 66-062

Compensation, 66-062

Powers, 66-062

School district, joint facilities, 66-007

Site

Donation from township, 66-160

Purchase, transfer of funds, 66-160

Village-township acquisition, 66-160

Township, joint facilities, 66-007

PAROLESentence--See **SENTENCE****PERMITS**Building--See **BUILDING**

Deer, duplicate, 66-099

Plumbing, 66-172

PLANNING COMMISSIONRegional--See **REGIONAL PLANNING COMMISSION****PLATS AND PLATTING**

Streets vacated, 66-065

Subdivision, approval, 66-147

Subdivision, definition, 66-005

PLUMBING

Permit, private individual, 66-172

POLICE AND FIREMEN'S DISABILITY AND PENSION FUND

Contributions on leave, 66-181

Mutual aid contract, effect, 66-179

Private police, 66-179

POLICE DEPARTMENT

Auctioneer, license, 66-180

Captain as service-safety director, 66-181

Chief, civil service examination, 66-178

Contract with city, interest in, 66-152

Disability benefits, 66-179

Mutual aid contract, 66-179

Private police--See **PRIVATE POLICE**

Riot, disability coverage, 66-179

Training, certification, 66-137

Training expenses, 66-137

POOR RELIEF

County home, in, 66-143

Mt. Airy welfare center, 66-164

Nursing home, county, in, 66-143

Shelter, moving expenses, 66-164

PORT AUTHORITY

Joint, reimbursement for expenses, 66-070

PRISONERSentence--See **SENTENCE****PRIVATE POLICE**

Powers, 66-179

Training, certificate, 66-179

PROBATION

Officer, firearms, 66-184

PROPERTY, CONDOMINIUM--See**CONDOMINIUM PROPERTY****PROPERTY, PERSONAL**

Security interest, second mortgage, 66-038

PROPERTY, REAL--See also TAXATION,

at Tax list

Condominium--See CONDOMINIUM**PROPERTY**

Conveyance by municipality, 66-140

Delinquent rental charges, sewers and sewage disposal, 66-039

Hospital bill, as payment, 66-185

Mortgage--See **MORTGAGE**Registered--See **REGISTERED LAND****PROSECUTING ATTORNEY**

Chief probation officer, 66-047

County commissioner's legal adviser, 66-017

University branch district, advising, 66-017

PUBLICATION

Appropriation ordinance, 66-014

PUBLIC UTILITY

Tax list in duplicate, statutory provisions mandatory, 66-052

PUBLIC WELFARE--See POOR RELIEF**PUPIL--See SCHOOL****REAPPORTIONMENT--See ELECTION****RECORDER, COUNTY**

Certificate of title, duplicate, registered land, 66-068

"Condominium Property" law, 66-068

Copy of instrument, uncertified, 66-125

Declaration for proceedings, 66-068

Fees

Instrument, attaching page, 66-094

Instrument, copying, 66-125

Financing statement, filing, 66-106

Financing statement involving registered land, 66-080

Identification of preparer, 66-076

RECORDER, COUNTY - *Continued*

Instrument

- Acceptance, mandatory, 66-076
- Attaching page to, 66-094
- Marginal notes, fees, 66-013
- Notation on record, fee, 66-013
- Records, copy, uncertified, 66-125
- Registered land, certificate of title duplicate, 66-068

RECORDS AND REPORTS

- Copy, 66-125

RECREATION--See PARKS AND RECREATION

REGIONAL PLANNING COMMISSION

- Delegation of powers, 66-147
- Subdivision approval, 66-147

REGISTERED LAND

- Financing statement, 66-080
- Security agreement, 66-080

RELIEF--See POOR RELIEF

RESOLUTION--See ORDINANCE OR RESOLUTION

RIOT

- Police disability coverage, 66-179

ROAD--See HIGHWAYS AND ROADS

SAFETY DEPARTMENT

- Director as police captain, 66-181

SCHOOL

Bus

- Owner, health insurance, 66-087
- Closing, "other public calamity", 66-030
- Facilities, contributions for, 66-105
- High school, state-wide tests, 66-095
- "Other public calamity", 66-030
- Polling place in, 66-082
- Principal
 - Resignation, duties, 66-150
 - Vacation pay on resignation, 66-150
- Teacher--See TEACHER
- Testing, state-wide, expenses, 66-095
- Tuition child in foster home, etc., 66-077

SCHOOL DISTRICT

- Child under child welfare board, 66-077
- City, civil service, 66-010
- Civil service, 66-010
- Exempted
 - Levy outside 10-mill limit, 66-153
- Joint recreational facilities, 66-007
- Joint vocational
 - Merger of districts, effect, 66-098
 - Superintendent, 66-135
- Merger, effect, 66-098
- "Other public calamity", 66-030
- Tax levy, school district transferred, 66-040
- Transferring school district, tax levy, 66-040
- Tuition, when payable, 66-077

SECURITY AGREEMENT

- Registered land, involving, 66-080

SECURITY INTEREST

- Mortgage, second, 66-038

SENTENCE

- Confinement subtracted from, 66-145
- Reduction, 66-145

SEPTIC TANKS

- Licensing, cleaning personnel, 66-024

SERVICE DEPARTMENT

- Director as police captain, 66-181

SERVICEMAN

- Driver's license, 66-074
- Motor vehicle license, 66-074

SEWERS AND SEWAGE DISPOSAL

- Delinquent rental charges, 66-039
- Collection, 66-090
 - Payment, current real estate taxes, 66-039
- Rents, error, 66-090

SMALL LOAN COMPANY

- Second mortgage--See MORTGAGE

SOLDIERS' RELIEF COMMISSION

- Appropriated funds, transfer, 66-170
- Funds, transferring, 66-170

SOLICITOR, MUNICIPAL

- Arrest warrants, 66-159
- County court judge, as, 66-138
- Defendant, criminal, representing, 66-159
- Duties, 66-159
- Felony, representing the state, 66-159
- Misdemeanor prosecutions, 66-159

STREET--See HIGHWAYS AND ROADS

STRIP MINING--See MINING

SUBDIVISIONS--See PLATS AND PLATTING

SUPERINTENDENT OF PUBLIC INSTRUCTION

- "Other public calamity", 66-030
- Requirements waived, school closing, 66-030
- School closing, requirements waived, 66-030

SUPERINTENDENT OF SCHOOLS

- Joint vocational school district superintendent, as, 66-135
- Notice of non-reemployment, procedure, 66-085

SWIMMING POOL, PUBLIC

- Joint facilities, 66-007

TAXATION

Airport authority, for, 66-056
 Building on leased premises, 66-089, 66-090
 Certification to auditor, 66-139
 Collection
 Sewer rents, 66-090
 Delinquent
 Computation of interest, 66-054
 Sewage rental charges--See SEWERS
 AND SEWAGE DISPOSAL
 Detention home construction, 66-173
 Error, correction, 66-090
 Funds, interest on, 66-130
 Interest, delinquent taxes, 66-054
 Levy
 Airport authority--See AIRPORT
 AUTHORITY
 More than one per year, 66-096
 Proceeds, accumulation, 66-144
 School districts merger, effect, 66-098
 School district transferred, 66-040
 Ten-mill limit, over--See Ten-mill
 limit, over, this heading
 Time limit, 66-153
 Park board, levy by, 66-160
 Park district, for, 66-139
 Sewer rents, delinquent, 66-090
 Tax list
 Statutory provisions mandatory, 66-052
 Ten-mill limit, over
 Board of education, 66-096
 Exempted school district, 66-153
 Time limit, 66-153
 University branch district, anticipation of
 funds, 66-136

TEACHER--See also SCHOOL, at Principal
 Head start program, retirement
 credit, 66-124
 Health insurance, 66-087
 Military service, 66-016
 Service credit, 66-016
 Retirement credit, head start
 program, 66-124
 Salary
 Service credit, military service, 66-016
 Service credit, 66-016
 Service outside district, 66-016

TOWNSHIP

Airport--See AIRPORT
 Board of zoning appeals, compatibil-
 ity, 66-034
 Bridge in park, repairs, etc., 66-008
 Children, minor, trustee's, employ-
 ment of, 66-064
 Clerk
 Disqualified, serving as deputy township
 clerk, 66-064
 Inspector of weights and measures,
 as, 66-093
 Vacancy, change of residence, 66-044
 Contract with township trustee, 66-064
 Employment of trustee's minor chil-
 dren, 66-064
 Equipment, sale, 66-129
 Fire department--See FIRE DEPARTMENT

TOWNSHIP - Continued

Hospital--See HOSPITAL
 Joint recreational facilities, 66-007
 Park site, funds for purchase, 66-160
 Police training, certification, 66-137
 Port authority expenses, 66-070
 Streets vacated, 66-065
 Survey, county engineer, 66-084
 Trustees--See TOWNSHIP TRUSTEE
 Vacancy, change of residence, 66-044
 Vacancy in office, when, 66-044
 Zoning commission, member, compatibil-
 ity, 66-034

TOWNSHIP TRUSTEE

Airport, airport facilities monies, general
 fund, 66-048
 Annexation--See ANNEXATION
 Appointment, term of office, 66-155
 Children, minor, employment of, 66-064
 Clerk, vacancy, 66-044
 Compatibility, 66-060
 Constable, discharge, 66-088
 Constable, special, appointment, 66-171
 Death after re-election, 66-155
 Employment of trustee's minor chil-
 dren, 66-064
 Park expenses, 66-160
 Purchase without bids, 66-129
 Road inspector, 66-086
 Roads, repair, 66-086
 Subdivision contract with, 66-064
 Tax levy proceeds, accumulation, 66-144
 Vacancy in office, 66-155

TRAILER--See HOUSE TRAILER**TREASURER, COUNTY**

Tax list in duplicate, statutory provisions
 mandatory, 66-052

TUBERCULOSIS HOSPITAL

Maintenance or improvement def-
 ined, 66-154
 Physician, health commissioner,
 as, 66-118
 Surplus funds, disposition, 66-154
 Tax levy proceeds, disposition, 66-154

TUITION--See SCHOOL**UNEMPLOYMENT COMPENSATION**

Bureau
 Employer, as, 66-156
 Workmen's compensation, 66-156
 Disabled workmen's relief fund, 66-156

UNIVERSITY BRANCH DISTRICT

Board of trustees, adviser, 66-017
 Creation, 66-017
 Election costs, 66-136
 Tax proceeds, anticipation, 66-136

UNIVERSITY OR COLLEGE

Classified service, state university,
 compatibility, 66-046

UTILITY--See PUBLIC UTILITY

VETERAN

Soldiers' relief, 66-051
Vietnam, 66-051

VILLAGE--See MUNICIPAL CORPORATION

WARRANT

Arrest--See ARREST

WATER SUPPLY

Private, county building, 66-119
Reimbursement to private party, 66-119

WEAPON--See FIREARMS

WEIGHTS AND MEASURES

Inspector and township clerk, 66-093

WELFARE DEPARTMENT

County nursing home, transfer to, 66-143
Employee, removal or suspension, 66-186
Shelter, moving expenses, 66-164

WORKMEN'S COMPENSATION

Constable, 66-171, 66-183
Unemployment compensation
bureau, 66-156

YOUTH COMMISSION

Regulations, 66-134

ZONING

Airport zoning board, quorum, 66-167
Board of appeals, compatibility, 66-034

ZONING COMMISSION

Township, member, compatibility, 66-034

TABLES

TABLE 1 - Ohio Constitution Provisions Interpreted

TABLE 2 - Ohio Revised Code Sections Interpreted

TABLE 3 - Prior Ohio Attorney General Opinions Affected

TABLE 4 - Compatible and Incompatible Offices

TABLE 5 - Informal Opinions

TABLE 1

Ohio Constitution Provisions Interpreted

<i>Ohio Const.</i>	<i>1966 Opinion</i>	<i>Ohio Const.</i>	<i>1966 Opinion</i>
Art. II, §36	66-151	Art. XVIII, §3	66-140
Art. IV, §13	66-176		

TABLE 2

Ohio Revised Code Sections Interpreted

<i>Rev. Code</i>	<i>1966 Opinion</i>	<i>Rev. Code</i>	<i>1966 Opinion</i>
3.01	66-155	309.09	66-017
107.08	66-176		66-061
109.77	66-137	315.08	66-084
	66-179	315.28	66-084
121.161	66-120	315.29	66-084
133.06	66-021	317.11	66-076
133.34	66-021	317.111	66-076
133.35	66-021	317.13	66-076
Chapter 135	66-067	317.16	66-125
	66-104	317.27	66-125
135.10	66-104	317.32	66-013
143.01	66-072	319.28	66-052
143.08	66-010		66-090
	66-053	319.35	66-090
	66-088	319.59	66-093
143.30	66-010	321.44	66-130
143.34	66-178	323.15	66-039
143.41	66-046	325.19	66-120
145.01	66-072		66-149
149.43	66-125	325.27	66-125
301.24	66-024	329.05	66-143
307.02	66-117	339.03	66-127
	66-128		66-185
307.37	66-182	339.06	66-006
Chapter 308	66-048		66-127
308.08	66-056		66-157
309.08	66-159		66-185

TABLES

<i>Rev. Code</i>	<i>1966 Opinion</i>	<i>Rev. Code</i>	<i>1966 Opinion</i>
339.39	66-118	955.15	66-126
Chapter 5	66-061	955.17	66-126
503.24	66-155	959.20	66-026
503.241	66-044	1103.09	66-037
505.01	66-137	1151.29	66-115
505.10	66-129	1151.291	66-116
505.37	66-114	1151.52	66-123
505.441	66-183	1155.07	66-075
505.442	66-114	1155.13	66-075
505.49	66-183	1309.40	66-080
505.54	66-137	1321.52	66-038
509.01	66-137	1513.01 to 1513.06	66-032
	66-171	1513.07	66-078
511.232	66-160	1513.08	66-032
511.27	66-160		66-078
511.32	66-007	1513.09 to 1513.15	66-032
	66-160	1513.16	66-078
513.15	66-067	1513.17 to 1513.19	66-032
513.17	66-185	1531.02	66-151
517.04	66-163	1531.08	66-151
517.27	66-163	1533.10	66-151
519.04	66-034	1533.101	66-099
519.05	66-034	1541.03	66-008
519.13	66-034	1545.07	66-006
519.14	66-034	1545.14	66-007
519.15	66-034	1545.20	66-139
519.16	66-034	1724.10	66-103
711.09	66-147	1901.02	66-001
711.10	66-147	1901.023	66-001
713.21	66-147	1901.12	66-107
715.01	66-128	1901.34	66-159
715.011	66-128	1907.041	66-029
715.24	66-180		66-176
715.63	66-180	1907.051	66-176
717.021	66-114	1907.061	66-138
721.03	66-140	1907.071	66-176
731.20	66-014	1907.201	66-171
731.21	66-014	2151.34	66-173
	66-111	2151.3413	66-112
731.22	66-014	2151.35	66-077
	66-111		66-148
731.23	66-014	2301.27	66-047
	66-111	2303.20	66-099
733.78	66-162	2919.08	66-152
737.02	66-181		66-162
737.04	66-179	2919.09	66-162
737.05	66-179	2919.10	66-064
742.37	66-179		66-162
755.13	66-062	2923.01	66-184
755.14	66-062	2931.03	66-001
755.16	66-007	2931.04	66-001
755.18	66-062	2935.01	66-159
903.01	66-158	2947.25	66-145
903.10	66-158	2967.191	66-145

<i>Rev. Code</i>	<i>1966 Opinion</i>	<i>Rev. Code</i>	<i>1966 Opinion</i>
3307.01	66-124	4713.06	66-121
3309.01	66-124	4717.06	66-165
3311.02	66-010	4717.061	66-165
3311.19	66-135	4725.02	66-079
3311.231	66-040	4725.08	66-079
3311.26	66-098	5101.16	66-143
3313.202	66-087	5103.15	66-148
3313.65	66-077	5113.01	66-143
3313.77	66-082		66-164
3315.06	66-095	5113.09	66-164
3315.061	66-095	5139.02	66-134
3317.01	66-030	5139.04	66-134
3317.02	66-016	5153.16	66-148
Chapter 3318	66-105	5153.19	66-148
3318.08	66-105	Chapter 5309	66-068
3319.01	66-085	5309.47	66-080
3319.08	66-150	Chapter 5311	66-068
3319.30	66-124	5511.05	66-008
3354.07	66-097	5549.21	66-086
3354.08	66-097		66-129
3355.04	66-017	5553.042	66-065
3355.05	66-017	5571.02	66-086
3355.09	66-136	5591.21	66-008
3379.04	66-072	Chapter 5705	66-060
3501.17	66-136	5705.01	66-154
3501.29	66-082	5705.10	66-130
3513.05	66-005	5705.19	66-056
3513.256	66-005		66-144
3703.01	66-172		66-153
3703.07	66-172		66-173
3707.01	66-024	5705.192	66-153
3709.11	66-118	5705.21	66-096
3709.22	66-172	5705.25	66-173
3735.29	66-162	5705.38	66-170
3761.14	66-179	5705.40	66-170
4123.401	66-156	5705.41	66-117
4123.411	66-156	5713.03	66-089
4505.13	66-106	5713.20	66-089
4507.04	66-074	5719.17	66-054
4563.01	66-167	5719.18	66-054
4563.03	66-167	5719.19	66-054
4582.023	66-070	Chapter 5721	66-054
4703.18	66-058	Chapter 5901	66-051
Chapter 4707	66-180	6103.20	66-119
4707.02	66-180	6117.02	66-090
4713.04	66-055		
	66-121		
	66-122		

TABLE 3

Prior Ohio Attorney General Opinions Affected

<i>Former Opinion</i>		<i>1966 Opinion</i>
66, 1911	Overruled by	66-014
262, 1912	Overruled by	66-014
25, 1913	Overruled by	66-014
812, 1951	Overruled by	66-162
3052, 1953	Overruled by	66-067
668, 1963	Distinguished	66-080

TABLE 4

Compatible and Incompatible Offices

Note: The following table, in two parts, lists *Compatible Offices* and *Incompatible Offices*, as determined in Opinions of the Attorney General issued during the year 1966.

Offices and positions are considered incompatible when one is subordinate to the other or is a check upon the other. Also, positions may be deemed incompatible when it is physically impossible for one person to discharge the duties of both offices (State, ex rel Attorney General v Gebert, 12 CC (NS) 274).

There are several constitutional and statutory provisions affecting the compatibility of offices, as follows:

Ohio Constitution	Ohio Revised Code		
Art. II, §4	3.11	315.02	2919.08
Art. III, §14	143.41	319.07	2919.09
Art. IV, §14	309.02	705.02	2919.10
	311.04	731.12	3501.02

In some instances, court decisions have ruled upon the compatibility of offices. Such court decisions are not covered in this table.

Compatible Offices

<i>Office</i>	<i>Compatible With</i>	<i>1966 Opinion No.</i>
Board of education, clerk	Board of elections, member	66-053
Board of elections, member	Board of education, clerk	66-053
County health commissioner	Tuberculosis clinic physician	66-118
County superintendent of schools	Superintendent of joint vocational school district	66-135
Detention home, district, board of trustees, member	Judge	
Inspector	Juvenile court	66-112
Judge	Township, clerk	66-093
Juvenile court	Detention home, district, board of trustees, member	66-112
Superintendent of joint vocational school district	County superintendent of schools	66-135
Township, clerk	Inspector	66-093
Tuberculosis clinic physician	County health commissioner	66-118

Incompatible Offices

<i>Office</i>	<i>Incompatible With</i>	<i>1966 Opinion No.</i>
Acting county court judge	"Part-time" village solicitor	66-138
Board of education, local school district, member	Township trustee	66-060
Captain, municipal police department, on leave of absence	Safety service director	66-181
County health commissioner	Tuberculosis clinic physician	66-118
"Part-time" village solicitor	Acting county court judge	66-138
Safety service director	Captain, municipal police department, on leave of absence	66-181
State university, classified service	Village council member	66-046
Township board of zoning appeals	Township zoning commission, member	66-034
Township trustee	Board of education, local school district member	66-060
Township zoning commission, member	Township board of zoning appeals	66-034
Tuberculosis clinic physician	County health commissioner	66-118
Village council member	State university, classified service	66-046

TABLE 5

Informal Opinions

Note: As explained in Mr. Saxbe's preface, Informal Opinions (also referred to as "Limited Circulation" Opinions) by the nature of the isolated factual situations involved are not of general interest, and therefore they are not published. Under the new numbering system Informal Opinions listed in the following Table 5 account for all numbers for which there is no formal opinion reproduced in this Service.

66-002	66-028	66-066	66-110
66-003	66-031	66-069	66-113
66-004	66-033	66-071	66-131
66-009	66-035	66-073	66-132
66-011	66-038	66-081	66-133
66-012	66-041	66-083	66-141
66-015	66-042	66-091	66-142
66-018	66-043	66-092	66-146
66-019	66-045	66-100	66-161
66-020	66-049	66-101	66-166
66-022	66-050	66-102	66-168
66-023	66-057	66-108	66-174
66-025	66-059	66-109	66-175
66-027	66-063		66-177