

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said county.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1499.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$3,000.00.

COLUMBUS, OHIO, November 19, 1937.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$3,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated December 1, 1926. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission under date of April 1, 1937, being Opinion No. 374.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1500.

EMPLOYEES OF PUBLIC LIBRARIES—RETIREMENT WITH ANNUITIES AND INSURANCE—GOVERNING BOARD MAY PAY UP TO FIFTY PERCENT.

SYLLABUS:

1. *Retirement with annuities and insurance are two classes of benefits permitted to employes of a public library under Section 7889, General Code.*

2. *The governing board of a public library may pay an amount not to exceed fifty per centum of the cost of insurance if a group insurance plan is installed by such library board.*

3. *The governing board of a library is authorized under Section 7889, General Code, to pay an amount over and above the amount contributed by employes included in a system of retirement, even though the amount paid by such library board exceeds fifty per centum of the cost of the system.*

COLUMBUS, OHIO, November 19, 1937.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN: This will acknowledge receipt of your letter of recent date requesting my opinion on the following matter:

“Section 7889, General Code, provides for annuities, insurance and other provisions for employes of public libraries.

A library board carries the following insurance on its employes: Group life; group accidental death; group disability; group retirement and disability annuities. These are individual policies insured in the Prudential Insurance Company.

QUESTION: May the public library board pay more than fifty per cent of the cost of the premiums of any of these policies?”

Section 7889, General Code, referred to in your letter, reads as follows:

“The governing board of any public library, created or existing under the provisions of G. C. Sections 7635 to 7640-1, inclusive, or 14993 to 15005, inclusive, or 15060, which has not less than 75 full time employes, may provide for the retirement with annuities, insurance, or other provision of employes of any such library. The library board of such library may provide for a system of retirement, insurance, or other provision for its employes and may appropriate and pay the board's portion provided in such system or plan out of the funds received to the credit of such board by taxation or otherwise. Each employe of such library who is to be included in a system of retirement shall contribute to the retirement fund not less than four per centum per annum of his salary from the time of his eligibility to join the retirement system to the time of his retirement. If a group insurance plan is installed by any such library, not less than fifty

per centum of the cost of such insurance shall be borne by the employes included in such plan.”

Retirement with annuities and insurance are two classes of benefits permitted to employes of a public library under the foregoing section. Under the classification of insurance would be included life, accidental death and disability insurance mentioned in your letter, while under the classification of retirement with annuities would be included retirement and disability annuities. In the event a library board provides for a system of retirement, each employe who is to be included in such system is required to “contribute to the retirement fund not less than four per centum per annum of his salary.” In the case of group insurance the employes who are to be benefited thereby are required to pay not less than fifty per centum of the cost of such insurance.

The General Assembly, in providing for a system of retirement and insurance for employes of a public library, authorized the governing board of the public library to pay a certain portion of the cost of the benefits to such employes out of funds received to the credit of such board by taxation or otherwise. It is true that the exact amount to be paid by the library board is not definitely stated. However, the amount to be paid by the employes is fixed under the provisions of Section 7889, supra. It is reasonable to assume that the library board, after a contribution by employes of the amount provided for in Section 7889, supra, may be permitted to pay the difference between the actual cost of the benefits and the amount contributed by the employes.

In 37 O. Jur. p. 552, the following text appears:

“A statute often speaks as plainly by inference as in any other manner, and it is the rule that that which is clearly implied from the express terms of a statute is as much a part thereof and as effectual as that which is expressed. Accordingly, in the interpretation of statutes, some degree of implication or inference may be called in to aid the discovery of the intention of the legislature as expressed in the statute under consideration.”

In view of the above, it would seem that where the employes included in the plan of group insurance are required to pay not less than fifty per centum of the cost of such insurance, the library board would be authorized to pay an amount not to exceed fifty per centum of the cost of such insurance.

It is to be noted that where a system of retirement is provided for by a library board, the amount to be paid by the employes included in such

a system is not determined by a per centum of the cost of the plan. The contribution by the employes to the retirement fund as fixed by Section 7889, supra, is "not less than four per centum per annum" of their salaries. In the absence of any information showing the cost of the retirement system provided by the library board referred to in your letter, I am not in position to determine the per centum of the cost contributed by the employes included in the retirement. However, in my opinion, such information is not necessary for a proper determination of the question presented in your letter. Suffice it to say that the General Assembly authorized the governing board of a public library to pay a certain portion of the cost of a retirement system. Applying the principle of law appearing in 37 O. Jur., supra, it is my opinion that the library board would be authorized to pay an amount over and above the amount contributed by employes included in a system of retirement, even though the amount paid by the library board exceeds fifty per centum of the cost of the plan.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1501.

DISAPPROVAL — PETITION CONTAINING PROPOSED
AMENDMENT TO ARTICLE I, SECTION 16, OHIO CON-
STITUTION.

COLUMBUS, OHIO, November 19, 1937.

Mr. Edward Lamb, 1014 Edison Building, Toledo, Ohio.

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing an amendment to Article I, Section 16 of the Constitution of the State of Ohio and the synopsis thereof, under Section 4785-175, General Code.

The amendment to the Constitution of Ohio set forth in the petition reads as follows:

"The courts shall be open, and every person for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay; but no court, nor judge, nor judges thereof, now in existence or hereafter created, established, ap-