

to construct reservoirs or artificial lakes solely for parks or recreational purposes, but that such authority may be exercised by the Conservation Council where such Council deems it proper in the construction, maintenance, use, extension or enlargement of state parks.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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1997.

APPROVAL, BONDS OF CITY OF SALEM, COLUMBIANA COUNTY,  
OHIO—\$4,000.00.

COLUMBUS, OHIO, December 12, 1933.

*Industrial Commission of Ohio, Columbus, Ohio.*

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1998.

INFIRMARY—COUNTY COMMISSIONERS NOT REQUIRED TO ADVERTISE FOR BIDS BEFORE CONTRACTING FOR FURNISHING OF MEDICAL RELIEF AND MEDICINES THEREFOR.

*SYLLABUS:*

*County commissioners may, but are not required to, advertise for bids before contracting for the furnishing of medical relief and medicines as provided by section 2546 of the General Code.*

COLUMBUS, OHIO, December 13, 1933.

HON. RUSSELL M. WILHELM, *Prosecuting Attorney, Marion, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication in which you inquire whether or not it is mandatory for the county commissioners to advertise for bids before entering into a contract for the furnishing of medical relief and medicines provided by section 2546, General Code. Said section reads as follows:

“The county commissioners may contract with one or more competent physicians to furnish medical relief and medicines necessary for the inmates of the infirmary, but no contract shall extend beyond one year. Medical statistics shall be kept by said physician, who shall report same to the county commissioners quarterly showing the nature and extent of the services rendered, to whom, and the character of the diseases treated. The commissioners may discharge any such physician for proper cause. No medical relief for persons in their homes shall be furnished by the county, except for persons who are not residents of the state or county for one year, or residents of a township or city for three months, and except under provisions of section 2544.”

There is no provision in the above section requiring competitive bidding and I know of no other statutory provision making such requirement with reference to the contract provided for in section 2546. It is significant that, prior to the amendment of this statute in 108 O. L. Pt. 1, 269, this statute did require competitive bidding by this provision: "Such contract shall be given to the lowest competent bidder, the county commissioners reserving the right to reject any or all bids." It is the general rule that where a statute is amended it is presumed that the legislature intended to change the operation and effect of the law to the extent of the change in the language. *Board of Education vs. Boehn*, 102 O. S. 292; *Board of Education vs. Board of Education*, 112 O. S. 108. Applying this rule of construction, it is clear that by the elimination of this provision the legislature intended to eliminate this requirement.

I am therefore of the opinion that county commissioners may, but are not required to, advertise for bids before contracting for the furnishing of medical relief and medicines as provided by section 2546 of the General Code.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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1999.

OFFICES INCOMPATIBLE—COUNCILMAN UNDER CITY MANAGER  
PLAN AND TRUSTEE OF COUNTY CHILDREN'S HOME—ELIGIBLE  
AS COUNCILMAN UPON RESIGNATION AS TRUSTEE.  
SYLLABUS:

1. *A councilman of a city operating under the city manager plan of government may not hold the public employment of trustee of a county children's home at the same time. First paragraph of syllabus of Opinion No. 833, rendered May 17, 1933, approved and followed.*
2. *Where a person serving as trustee of a county children's home at the time of his election as councilman of a city operating under a city manager plan of government, resigns such public employment prior to the beginning of his term as such councilman, he becomes eligible to take his seat in the council of such city. Opinions of the Attorney General for 1929, volume III, page 1980, approved and followed.*

COLUMBUS, OHIO, December 13, 1933.

HON. WAYNE L. ELKINS, *Prosecuting Attorney, Ironton, Ohio.*

DEAR SIR:—Your recent communication reads as follows:

"I should like to have your opinion on whether or not a person who is serving as a member of the board of trustees of the Children's Home, which is a county office, without compensation, who has been elected as a member of city council, may serve in both offices. If not, whether or not his being a member of the board of trustees of the Children's Home at the time he was elected member of the city council makes him