

Note from the Attorney General's Office:

1971 Op. Att'y Gen. No. 71-085 was modified
by 1978 Op. Att'y Gen. No. 78-064.

OPINION NO. 71-085

Syllabus:

The court of appeals and the court of common pleas are State court and do not need to obtain the prior approval of the Cuyahoga County Automatic Data Processing Board to purchase, lease, operate, or contract for the use and services of the Ohio Bar Automated Research System

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: William J. Brown, Attorney General, December 6, 1971

The question stated in your request for my opinion reads as follows:

"Is the Ohio Bar Automated Research System such automatic data processing equipment, within the meaning of Section 307.84 of the Revised Code of Ohio, which would require the Court of Appeals and the Common Pleas Court of Cuyahoga County to obtain the prior approval of the Cuyahoga County Automatic Data Processing Board to purchase, lease, operate, or contract for the use and services of the Ohio Bar Automated Research System?"

Section 307.84, Revised Code, prohibits any county office from the use of automatic data processing equipment without permission of the county automatic data processing board. It provides as follows:

"The board of county commissioners of any county may, by resolution, establish a county automatic data processing board. The board shall consist of the county treasurer or his representative, a member or representative of the board of county commissioners chosen by the board, and the county auditor or his representative who shall serve as secretary.

"After the initial meeting of the county automatic data processing board, no county officer shall purchase, lease, operate, or contract for the use of any automatic data processing equipment without prior approval of the board.

"As used in sections 307.84 to 307.846 [307.84.6], inclusive, of the Revised Code, 'county office' means any officer, department, board, commission, agency, court, or other office of the county."

In Opinion No. 71-075, Opinions of the Attorney General for 1971, issued November 11, 1971, I stated that:

"The term, 'elected state officials', as used in Section 145.381 (A), Revised Code, applies to the Governor, the Lieutenant Governor, the Secretary of State, the Auditor of State, the Treasurer of State, the Attorney General, the members of the General Assembly, and the members of the Supreme Court, the Court of Appeals, the Court of Common Pleas, the Probate Court and the Juvenile Court."

I also stated in the same Opinion that no distinction was intended between the terms, "elected state official" and "elected to an office of the state". The court of appeals and the court of common pleas are, therefore, offices of the State and not county offices as that term is used in Section 307.84, *supra*. In my view, the word "court" in the last paragraph of that Section refers to the county courts created by Chapters 1907 *et seq.*, Revised Code.

In specific answer to your question it is my opinion, and you are so advised, that the court of appeals and the court of common pleas are State courts and do not need to obtain the prior approval of the Cuyahoga County Automatic Data Processing Board to purchase,

lease, operate, or contract for the use and services of the Ohio Bar Automated Research System.