

1173.

APPROVAL BONDS OF MARSHALL TOWNSHIP RURAL SCHOOL DISTRICT, IN AMOUNT OF \$2,500 TO INSTALL HEATING SYSTEM.

COLUMBUS, OHIO, April 20, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

1174.

CONTROLLING BOARD—ITS AUTHORITY AS PROVIDED IN HOUSE BILL 536 (108 O. L. 736) INTERPRETED—WHERE IN CONFLICT WITH CLASSIFICATION AND RULES OF STATE CIVIL SERVICE COMMISSION AS PROVIDED IN SECTION 9 OF SAME ACT.

*The granting of authority by the controlling board to expend moneys otherwise than in accordance with classifications of detailed purposes, as provided for in section 4 of the general appropriation act passed May 28, 1919, (H. B. No. 536; 108 O. L. 736), and the making of allotments so as to enable departments, institutions, boards and commissions to pay salaries and compensation in accordance with the classification and rules of the state civil service commission, etc., as provided for in section 9 of the act, rests solely in the discretion of the board; and in either case action by the board must be invoked by filing a written application for such authority or allotment with the president of the board.*

COLUMBUS, OHIO, April 21, 1920.

*The State Civil Service Commission, Columbus, Ohio.*

GENTLEMEN:—Your letter of recent date relative to the duty of the controlling board under the general appropriation act passed May 28, 1919 (H. B. 536; 108 O. L. 733, Part I), was duly received.

The question submitted is whether or not section 9 of the act imposes an absolute duty on the controlling board to allot to departments, institutions, boards or commissions money sufficient to enable them to pay compensation and salaries in accordance with the classification and rules of the state civil service commission, in cases where the personal service appropriations made in section 2 of the act are insufficient in amount?

Section 4 of the act creates a board known as the controlling board, consisting of the governor, or the budget commissioner, if appointed by the governor for that purpose, the chairman of the house and senate finance committees, the attorney-general and the auditor of state, and provides that authority to expend the moneys appropriated in sections 2 and 3 of the act otherwise than in accordance with the classification of detailed purposes therein provided

“may be granted to any department, institution, board or commission for which appropriations are made in said sections,” etc.

It is also provided in the same section that

“application for such authority shall be made to the president of the controlling board in writing, and the consent of not less than four members of the controlling board shall be required for the granting of such authority.”