

Applying the same rule to this issue, it must necessarily be held that these bonds have not had the advertisement for the required length of time, and for that reason, the same are hereby disapproved, and you are advised not to accept said bonds.

Respectfully,
C. C. CRABBE,
Attorney General.

2682.

AUTHORITY OF STATE BUILDING ADVISORY COMMITTEE DISCUSSED.

SYLLABUS:

1. *The state building advisory committee has no authority to employ appraisers and engineers for examination of sites proposed for the state office building.*
2. *The funds appropriated for the use of joint legislative committees are available to the state building advisory committee for the payment of the expense of its members, necessarily incurred in the discharge of their duties, but not available for use of the committee as a whole in employing services of other persons.*
3. *A quorum of the committee may transact business and the action of a majority of the quorum present at any meeting constitutes an action of the committee.*

COLUMBUS, OHIO, July 30, 1925.

State Building Advisory Committee, Columbus, Ohio.

GENTLEMEN:—I acknowledge receipt of your letter of July 24, 1925, in which you submit, in substance, the three following inquiries:

1. May the state building advisory committee employ appraisers for the appraisal of the various sites proposed for the state office building, and engineers for making borings on these sites for the purpose of estimating foundation costs?
2. May the state building advisory committee "expend any of this money?"
3. May the committee act by a majority of those present at any meeting, or must it act by a majority of the entire membership of the committee?

The state building advisory committee was created by house joint resolution No. 42 (Mr. Smith), and its powers to be determined by the terms of that resolution, read in connection with the rules of the general assembly governing joint committees. Section 4 of house joint resolution No. 42 provides:

"The members of such committee shall be paid the necessary expenses incurred by them in attendance upon the meetings of the committee or in the performance of their duties as such members of the committee. Such expenses shall be paid from the funds appropriated for the use of joint committees of the general assembly, upon vouchers of the proper officers thereof and upon a warrant drawn by the state auditor."

The only provision made for the expenditure of funds by this committee is contained in this section and the phraseology of this section indicates that the expenses contemplated have reference to the personal expense of the member. It does not authorize the committee as a committee to employ persons for any purpose. The state building commission is authorized by the law creating it to expend the funds necessary for securing any information needed in the performance of its duties, and it is within the power of the advisory committee to withhold its approval of any contract until facts are placed before it to satisfy its members of the wisdom of the proposed action. If appraisals or borings are needed to satisfy the advisory committee, the state building commission has ample power to act for that purpose.

Your second question does not definitely indicate what is meant by the right to "expend any of this money." If you are referring to the funds appropriated for a state office building, it is the opinion of this department that your committee has no power with reference to said funds, except to give or withhold its approval to the action of the state building commission. The power of your committee to spend the money appropriated for the expense of joint committees is limited to the payment of the expenses of the members of the committee necessarily incurred in the discharge of their duties.

The answer to the third question which you submit must be determined from a reading of the resolution, in connection with the rules of the general assembly. No specific provision is made in the resolution as to the number necessary to constitute a quorum nor as to whether the committee may act by majority of a quorum or by majority of the entire committee.

Rule 124 of the senate provides:

"Hughes' American Parliamentary Guide shall be received as authority in all cases not provided for in the senate rules or the joint rules of the Senate and House of Representatives."

Rule 107 of the House of Representatives provides:

"Hughes' American Parliamentary Guide for Ohio general assembly shall govern in all cases not provided for in the foregoing rules."

Section 320, Hughes' American Parliamentary Guide, reads as follows.

"In this country, a quorum of a committee is a majority, or one-half and one more, and such number is competent to do business. There is one exception to this rule, and that is conference committee."

Section 349 reads as follows:

"A quorum of a committee may transact business and a majority of that quorum may, even though it be a minority of the whole committee, authorize a report."

You are therefore advised that the state building advisory committee may act at any meeting when a majority is present and the vote of a majority of the quorum is sufficient to constitute an action of the committee.

Respectfully,

C. C. CRABBE,

Attorney General.