

of this act, shall purchase or procure or agree to purchase or procure from any other person any materials, supplies or services with which to perform the terms of such contract. The requirement of section 5 applies only to "each person who, during the period prescribed in section 2 of this act, shall have entered into a contract with a public agency." The period prescribed in section 2 of the act is "so long as a recovery act shall remain in effect". Since a statute ordinarily speaks as of its effective date, the period prescribed by this section would be the period beginning with the effective date of the act and continuing so long as a recovery act shall remain in effect. Section 5, therefore, in my opinion, does not apply to persons who entered into public contracts with public agencies before the effective date of the statute in question, even though materials, supplies or services with which to perform the terms of such contract were purchased or procured after the effective date of the act.

In specific answer to your questions, therefore, I am of the opinion that:

1. Where the principal contractor has entered into his contract with a public agency prior to the effective date of Amended House Bill No. 102, but subsequent to said effective date such contractor purchases or procures, or agrees to purchase or procure, from other persons materials, supplies or services (other than labor) with which to perform the terms of such public contract, he need not secure from such other persons the affidavits provided for therein and file them with the public agencies.

2. A principal contractor who has entered into his contract with a public agency prior to the effective date of Amended House Bill No. 102, and who has agreed to purchase materials, supplies and services (other than labor) from other persons, with which to perform the terms of his contract, prior to said effective date, for delivery subsequent to such date, is not required to secure from such other persons the affidavits prescribed in such act and to file the same with the public agency.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4112.

APPROVAL, TWO BONDS CONDITIONALLY FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTORS—JOHN S. DENNIS AND R. E. LEVERING.

COLUMBUS, OHIO, APRIL 3, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted two bonds, each in the penal sum of \$5,000.00, with sureties as indicated, to cover the faithful performance of the duties of the officials, as hereinafter listed:

John S. Dennis, Resident District Deputy Director for Muskingum and Guernsey counties—Globe Indemnity Company.

R. E. Levering, Resident District Deputy Director in Knox County—Hartford Accident & Indemnity Company.

The above listed bonds are undoubtedly executed pursuant to the provisions of sections 1183 and 1182-3, General Code, which state, in so far as pertinent, as follows:

“Sec. 1183. * * * Such resident district deputy directors * * * shall be appointed to serve during the pleasure of the state director, * * * and give bond in the sum of five thousand dollars. * * *”

“Sec. 1182-3. * * * all bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions, and such bonds * * * shall be approved as to sufficiency of the sureties by the director (of highways), and as to legality and form by the attorney general, and be deposited with the secretary of state. * * *” (Words in parenthesis the writer’s)

With reference to the bond of John S. Dennis, I would suggest that the words “Resident Engineer” in the eighth line of the bond and the second line of the oath be changed to read “Resident District Deputy Director,” as your letter of transmittal reads that Mr. Dennis was so appointed, and the statute, section 1183, General Code, designates the position by such title.

With reference to the bond of R. E. Levering, I would suggest that the words “for a term of two years commencing January 1st, 1935, and ending December 31st, 1936”, appearing in the eleventh line of the bond, be eliminated, as section 1183, General Code, above quoted, states that the resident district deputy directors shall be appointed to serve “during the pleasure of the state director”, and there is no statutory authority for the deputy directors to be appointed for a definite term.

When these corrections are made, the bonds will be approved as to legality and form, since said bonds appear to have been otherwise properly executed in accordance with the provisions of the statutes referred to supra.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4113.

APPROVAL, PETITION CONTAINING A PROPOSED LAW AND A SUMMARY
OF THE SAME.

COLUMBUS, OHIO, APRIL 3, 1935.

MR. GEORGE FORD, 154 *West Park Avenue, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed law and a summary of the same under section 4785-175 of the General Code of Ohio.

The proposed law reads as follows:

“BE IT ENACTED BY THE PEOPLE OF THE STATE OF OHIO:—

Section 1. This act shall be known as ‘The Maximum Salary Law’ and its purpose shall be to safeguard investments in stocks, bonds and other securities by preventing the unwarranted diversion of assets and profits thereof and