

2138.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE PITSCH-NILES COMPANY, AKRON, OHIO, FOR THE CONSTRUCTION OF HEATING AND VENTILATING FOR COTTAGE, MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$5,500.00—SURETY BOND EXECUTED BY THE COMMERCIAL CASUALTY INSURANCE COMPANY.

COLUMBUS, OHIO, May 19, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and J. D. Pitsch and A. N. Niles, doing business as "Pitsch-Niles Co.", of Akron, Ohio. This contract covers the construction and completion of Heating and Ventilating for Cottage—Male (exclusive of Plumbing Contract), Massillon State Hospital, Massillon, Ohio, and calls for an expenditure of five thousand five hundred (\$5,500.00) dollars.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Commercial Casualty Insurance Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law, and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2139.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE HUFFMAN-WOLFE COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF PLUMBING FOR COTTAGE, MASSILLON STATE HOSPITAL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$5,509.00—SURETY BOND EXECUTED BY THE FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

COLUMBUS, OHIO, May 19, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public

Welfare, and The Huffman-Wolfe Company, Columbus, Ohio. This contract covers the construction and completion of Plumbing Contract for Cottage—Male (exclusive of Heating and Ventilating Contract), Massillon State Hospital, Massillon, Ohio, and calls for an expenditure of five thousand five hundred and nine (\$5,509.00) dollars.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Fidelity and Deposit Company of Maryland appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law, and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2140.

APPROPRIATION—HOUSE BILL NO. 502, 87TH GENERAL ASSEMBLY,  
DISCUSSED—APPROPRIATION FOR COMPLETE BUILDING—USE  
OF UNUSED BALANCE—MANSFIELD ARMORY.

*SYLLABUS:*

1. *By the terms of Section 12, page 180, House Bill No. 502, 87th General Assembly, any appropriation made in such appropriation act for a building or structure is for a complete operating unit ready for use and occupancy except furnishings, including complete heating, lighting, ventilating and plumbing systems, when such systems are authorized or necessary, unless otherwise specifically provided in the item of appropriation.*

2. *Where a sum certain is appropriated by the Legislature to cover the cost of constructing a designated building and a contract to construct such building is let at a price less than the amount of the appropriation, the difference between the contract price and the amount of the appropriation, cannot be expended for the purpose of constructing a building other than the one authorized in the appropriation item, even though such additional building is to be used in connection with the one authorized in the item.*

COLUMBUS, OHIO, May 19, 1928.

HON. FRANK D. HENDERSON, *Adjutant General, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of recent date reading as follows:

"I herewith submit for your official opinion, the question of the legality of combining G-2 Special appropriation with G-2 regular appropriation, for the payment of building contracts. The specific case at issue is the Mansfield State