

treasurer of state for any claim unless he finds it legal, and that there is money in the treasury which has been duly appropriated to pay it."

An examination of the appropriation act enacted by the last legislature discloses no specific appropriation for forgery bonds nor do I find any specific provision in the General Code authorizing any state official to contract for insurance against loss of public funds by reason of forgery. I do, however, find that the legislature has made specific provisions authorizing the Treasurer of State to receive certain bonds from depositories as security for public funds deposited.

The legislature has required that the Treasurer of State shall give certain bonds to the State of Ohio, Sections 297 and 298, General Code, providing that he shall give a bond for the faithful performance of the duties of his office and make provision for increasing this bond when circumstances warrant such increase. Section 1195-1 of the General Code, provides that the Treasurer of State shall give a bond as custodian of the different highway funds received and held by him. Section 6309, of the General Code, provides for the giving of a bond as security for motor vehicle registration fees received into the custody of the Treasurer.

It therefore appears to me that, inasmuch as the legislature has required a bond for the protection of the state against loss of moneys received by the State Treasurer, which bond must be in the sum of \$500,000, and has made provision for increasing such bond when circumstances make such increase advisable (Sections 297 and 298, General Code); and, has further required additional bonds from the Treasurer of State when he receives other funds in his capacity; and, especially since the legislature has made the Treasurer of State personally liable for the repayment of funds received by him, the state may hold the Treasurer of State and the sureties on his bond liable for any loss that might occur by reason of the payment out of state funds wrongfully, whether by virtue of a forged warrant or otherwise. This being true, the benefit of a forgery bond in the event of the extraction of public moneys from the state treasury by reason of a forged or raised warrant would be received by the Treasurer of State and his bondsmen rather than by the State of Ohio.

I am therefore at a loss as to what consideration would exist for the issuance of such policy since the state is already insured against such loss by reason of the bond given by the State Treasurer.

I am therefore of the opinion that no statutory authority exists for the expenditure of public funds for the insurance of either the public or the Treasurer of State by reason of loss arising from the payment of public funds by reason of forged, raised or altered warrants.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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APPROVAL, NOTES OF COVENTRY TOWNSHIP RURAL SCHOOL  
DISTRICT, SUMMIT COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, February 15, 1932.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*