

762.

SESQUI-CENTENNIAL—PROPOSED CONTRACT FOR RE-ERECTION OF
CENTENNIAL BUILDING AT OHIO STATE FAIR GROUNDS, DIS-
APPROVED.

SYLLABUS:

Proposed contracts for the re-erection of Ohio Sesqui-Centennial Building at Ohio State Fair Grounds disapproved.

COLUMBUS, OHIO, July 21, 1927.

HON. HERBERT M. BRIGGS, *State Architect and Engineer, Columbus, Ohio.*

DEAR SIR:—In compliance with Section 2319, General Code, you have submitted for my approval the following contracts:

1. General Contract for Re-erection of Ohio Sesqui-Centennial Building at Ohio State Fair Grounds, Columbus, Ohio, for a consideration of Seven Thousand Eight Hundred Dollars (\$7,800.00).
2. Plumbing and Sewer Contract of Ohio Sesqui-Centennial Building at Ohio State Fair Grounds, Columbus, Ohio, for a consideration of One Thousand Three Hundred and Nineteen Dollars (\$1,319.00).
3. Electrical Contract of Ohio Sesqui-Centennial Building at Ohio State Fair Grounds, Columbus, Ohio, for a consideration of Four Hundred and Ninety Dollars (\$490.00).

An examination of the above contracts and the papers submitted therewith disclose that the respective contractors are to be paid from funds provided for in Senate Bill No. 297, passed by the 86th General Assembly, (111 v. 363), certifications by the Director of Finance, as provided for in Section 2288-2, General Code, being to the effect that unencumbered balances appropriated to pay for the items in the above contracts are in the "appropriation account of Senate Bill No. 297." The act in question reads as follows:

"An Act

To provide for an Ohio building and an Ohio exhibit at the Philadelphia sesqui-centennial.

Section 1. That a sesqui-centennial commission is hereby created which shall consist of the governor of Ohio, who shall be chairman of the commission, and three other persons to be appointed by him. Not more than two of the commission shall be of the same political party.

The sesqui-centennial commission shall have charge of all plans for the participation by the state of Ohio and its citizens in the sesqui-centennial at Philadelphia.

Section 2. The commission shall serve without compensation except their actual expenses and shall choose from among their number, or otherwise, a director who shall have charge of carrying into execution the plans of the commission and who shall receive such compensation as the commission shall fix.

Section 3. The commission is hereby authorized to create an advisory commission which shall consist of such persons representing the state gov-

ernment, the educational, historical, agricultural, commercial, industrial and mineralogical and such other activities and interests of the state as they deem necessary. The advisory commission shall serve without pay but may be allowed their actual expenses by the commission when engaged in the work of the commission.

Section 4. The commission is hereby authorized to erect on the grounds of the sesqui-centennial an Ohio building which shall be symbolic of the historical progress of Ohio since the Declaration of Independence, which shall be available for headquarters for all Ohio citizens at the sesqui-centennial.

Section 5. The commission is hereby authorized to arrange with the director for participation by Ohio citizens in the various historical, educational, commercial, industrial, agricultural and other exhibits at the sesqui-centennial at Philadelphia.

Section 6. There is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of one hundred and fifty thousand dollars (\$150,000.00) for the uses and purposes of the sesqui-centennial commission in carrying out the provisions of this act."

Article II, Section 22 of the Ohio Constitution reads:

"No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years."

When the legislature, by an act, appropriates a certain sum of money for a designated purpose, it excludes the idea that this money may be used for any other purpose.

In the instant case the title of the act and the plain terms thereof clearly show that the appropriation thereby made was for the sole purpose of providing funds for the sesqui-centennial commission, including the erection of an Ohio building and an Ohio exhibit at the Philadelphia Sesqui-Centennial, authority being given to erect "*on the grounds of the sesqui-centennial* an Ohio building which shall be symbolic of the historical progress of Ohio since the Declaration of Independence and which shall be available for headquarters for Ohio citizens at the *Sesqui-Centennial*." No authority whatever was given to expend any of the funds appropriated to dismantle said building or to transport the same or the material with which the same was constructed to this state, and certainly nothing in the act contained authorizes the expenditure of any of the moneys appropriated to erect a building on the Ohio State Fair Grounds, or at any place other than the Sesqui-Centennial grounds. The conclusion is irrefragable that the moneys appropriated by the above act cannot lawfully be expended for the purposes covered by the three contracts above enumerated.

There being no money legally appropriated to cover the cost of the work and materials embraced in the contracts under consideration I am returning the same, together with all other data submitted in this connection, without my approval endorsed thereon.

Respectfully,

EDWARD C. TURNER,

Attorney General.