

2711.

APPROVAL, BONDS OF VILLAGE OF FRANKLIN, WARREN COUNTY,
OHIO—\$6,500.00.

COLUMBUS, OHIO, December 23, 1930.

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

2712.

APPROVAL, BONDS OF CITY OF WILMINGTON, CLINTON COUNTY,
OHIO—\$15,000.00.

COLUMBUS, OHIO, December 23, 1930.

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

2713.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE ELECTRIC CONSTRUCTION AND SALES COMPANY OF CLEVELAND, OHIO FOR ELECTRICAL WORK FOR THE REMODELING OF INDUSTRIAL BUILDING AT CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$1,735.00—SURETY BOND EXECUTED BY THE COMMERCIAL CASUALTY INSURANCE COMPANY, NEWARK, NEW JERSEY.

COLUMBUS, OHIO, December 23, 1930.

HON. A. T. CONNAR, *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 Electric Construction and Sales Company of Cleveland, Ohio. This contract covers the construction and completion of contract for electrical work for the remodeling of the Industrial Building at the Cleveland State Hospital, Cleveland, Ohio, as set forth in Item No. 3 of the proposal dated October 7, 1930. Said contract calls for an expenditure of one thousand, seven hundred and thirty-five dollars (\$1,735.00).

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 produced evidence showing that the Controlling Board has approved the expenditure as required by Section 11 of House Bill 510, of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Commercial Casualty Insurance Company of Newark, New Jersey, 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,
GILBERT BETTMAN,
Attorney General.

2714.

GENERAL ASSEMBLY—MEMBER THEREOF MAY ALSO HOLD OFFICE
OF TOWNSHIP TRUSTEE.

SYLLABUS:

A member of the General Assembly is not prohibited from holding simultaneously the office of township trustee.

COLUMBUS, OHIO, December 24, 1930.

HON. DON ISHAM, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent request which reads as follows:

“Is there any prohibition against one person holding simultaneously the offices of township trustee and representative to the General Assembly?”

Section 4, Article II of the Constitution of Ohio, which is pertinent to your inquiry, is as follows:

“No person, holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public or officers of the militia.”

It can be seen from an examination of this provision that it specifically excepts a township officer from the effect of the prohibitory language of the section.

This provision is followed in Section 15, General Code, which reads as follows:

“No member of either house of the General Assembly except in compliance with the provisions of this act shall:

1. Be appointed as trustee or manager of a benevolent, educational, penal or reformatory institution of the state, supported in whole or in part by funds from the state treasury.

2. Serve on any committee or commission authorized or created by the General Assembly, which provides other compensation than actual and necessary expenses;

3. Accept any appointment, employment or office from any committee or commission authorized or created by the General Assembly, or from any executive, or administrative branch or department of the state, which provides other compensation than actual and necessary expenses.