

I am therefore of the opinion in specific answer to your questions: first, that no member of the 89th General Assembly is eligible to appointment on the board of parole created by Substitute Senate Bill No. 149 until after December 31, 1933; second, a member of the 89th General Assembly may be appointed on the board created to make a survey of the waterways of the state by Amended Senate Joint Resolution No. 19. If it is determined by the governor that the members of said commission shall receive compensation other than actual and necessary expenses, a member of the General Assembly who receives and accepts an appointment to membership on said board shall forthwith resign from the General Assembly. If no compensation is provided for the members of said waterways commission, a member of the 89th General Assembly may be appointed to said board and may also hold his office as a member of the General Assembly.

Respectfully,
 GILBERT BETTMAN,
Attorney General.

3477.

JURY DUTY—OHIO NATIONAL GUARD—EXEMPT.

SYLLABUS:

Contributing members of the Ohio National Guard are, and will continue to be, exempted from jury duty until such time as the provisions of law providing for such exemption are repealed by an act of legislation.

COLUMBUS, OHIO, August 4, 1931.

HON. R. S. CUNNINGHAM, *Prosecuting Attorney, Lancaster, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your request for my opinion, which reads as follows:

“Section 5195 of the General Code exempts contributing members to the Ohio National Guard from jury duty. We ask your opinion whether or not the new jury code, effective August 2, 1931, repeals the former section so that contributing members to the Ohio National Guard, after August 2, will not be exempt from jury duty.”

The “Jury Code,” so-called, is an act of the 89th General Assembly known as Amended Senate Bill 184. This act, in effect, revises, supplements and recodifies the laws of Ohio relative to the method of summoning and selecting jurors. The act becomes effective August 2, 1931, although no jurors for service, selected in the manner provided for therein, will serve until the jury year beginning the first Monday in August, 1932.

Section 5195, General Code, which exempts contributing members of the Ohio National Guard from jury duty, was not, either specifically or impliedly, repealed by the terms of the said act. On the other hand, said section of the Code, as well as other general sections of the statutes pertaining to exemption from jury duty, was by the specific terms of the act retained in force.

Section 11419-14, General Code, which was enacted as a part of the act referred to, provides:

“The exemption of jurors shall be such as are prescribed by this act *and the general statutes of the state.*” (Italics the writer’s.)

Said section 5195, General Code, is one of the general statutes of the state and therefore the exemption from jury duty, therein provided for, is now in force and effect and will continue to be in force and effect until repealed by the legislature. This is made so by the specific terms of the act in question.

I am therefore of the opinion that contributing members of the Ohio National Guard are, and will continue to be, exempted from jury duty until such time as the provisions of law providing for such exemption are repealed by an act of legislation.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3478.

APPROVAL, BONDS OF SUMMIT COUNTY, OHIO—\$15,500.00.

COLUMBUS, OHIO, August 4, 1931.

Industrial Commission of Ohio, Columbus, Ohio.

3479.

APPROVAL, BONDS OF MASSILLON CITY SCHOOL DISTRICT, STARK COUNTY, OHIO—\$11,000.00.

COLUMBUS, OHIO, August 4, 1931.

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

3480.

APPROVAL, BONDS OF CITY OF DAYTON, MONTGOMERY COUNTY, OHIO—\$30,000.00.

COLUMBUS, OHIO, August 4, 1931.

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

3481.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN FRANKLIN AND LORAIN COUNTIES.

COLUMBUS, OHIO, August 5, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3482.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENTS IN ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, August 5, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*