

which not only is similar to gasoline because of its explosive character, but is similar because the volatile, inflammable and explosive elements are the same notwithstanding said elements are not obtained from petroleum. Such a substance should be inspected under the provisions of section 865 G. C. and the same fees collected as are prescribed for the inspection of gasoline. It is a matter of common knowledge that if a substance can be used to operate a gasoline engine it has some properties in reference to its volatile and explosive character similar to gasoline. Such a use of a substance, while not conclusive, certainly would furnish some evidence tending to prove it is similar to gasoline. While it is a question of fact whether or not a certain product is similar to gasoline, the volatile, inflammable and explosive character of the substance should be the guide in the determination of the matter, regardless of the source from which said elements were obtained.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

1109.

MUNICIPAL CORPORATIONS—SECTION 3637 G. C. PROVIDES FOR LICENSING OF PLUMBERS—AUTHORITY OF STATE INSPECTOR OF PLUMBING DOES NOT EXTEND TO MUNICIPALITIES WHEREIN ORDINANCES REGULATING PLUMBING HAVE BEEN ADOPTED—WHAT MAY BE INCORPORATED IN MUNICIPAL ORDINANCE—PAMPHLETS OF STATE PLUMBING CODE CANNOT BE SOLD BY STATE.

1. *Municipalities are expressly empowered by section 3637 G. C. to provide for the licensing of plumbers, and the authority of the state inspector of plumbing does not extend to municipalities wherein ordinances regulating plumbing have been adopted and are being enforced by the proper authorities. See section 1261-3 G. C.*
2. *The provisions of section 12600-137 to 12600-273 G. C., constituting a part of the state building code, may, by apt words of reference, be incorporated into and made a part of a municipal ordinance providing for the licensing of plumbers.*
3. *The commissioners of public printing are without authority to require that pamphlets containing the state plumbing code, and which have been published at state expense, shall be sold either at cost or profit.*

COLUMBUS, OHIO, March 29, 1920.

*The State Department of Health, Columbus, Ohio.*

GENTLEMEN:—Your letter of recent date relative to the authority of municipalities to provide by ordinance for licensing persons engaged in the business of plumbing, etc., was duly received.

(1) Section 3637 G. C. expressly empowers municipalities "to provide for the licensing of \* \* \* plumbers," etc., and by section 1261-3 G. C., which is one of the sections of the act creating the office of state inspector of plumbing and defining the duties of the inspector, it is expressly provided that such inspector shall not exercise any authority in municipalities or other political subdivisions wherein ordinances or resolutions have been adopted and are being enforced by the proper authorities regulating plumbing or prescribing the character thereof.

It therefore appears that the power conferred upon municipalities by section 3637 G. C. to license plumbers has not been taken away, but has been expressly recognized and saved to them by section 1261-3 G. C.

(2) The law is well settled that, in the absence of constitutional inhibition, the provisions of one statute may be incorporated into and made a part of another statute by apt words of reference (36 Cyc. 969; 2 Southerland Statutory Construction, Sec. 405), and no reason suggests itself for not applying the same doctrine to municipal ordinances. See *McQuillen Municipal Ordinances*, section 137; *Baumgarner vs. Hasty*, 100 Ind. 575.

Sections 12600-137 to 12600-273 G. C., which the city council referred to in your letter desires to make a part of its plumbing ordinance by reference, constitute part 4 of the state building code, subject, "Sanitation". Those sections, as the title implies, have to do with sanitary conditions, and, among other things, expressly and specifically regulate the size of pipes, etc., all of which is germane to the subject of plumbing.

(3) The secretary of state, the auditor of state and the attorney-general, by virtue of their offices, are the commissioners of public printing, but are sometimes commonly referred to as the state printing commission. The powers of the commissioners of public printing are conferred by section 745 G. C., and are as follows:

"They shall have the power to determine, except as otherwise specifically provided by law, the number of volumes into which each publication shall be divided, the manner of binding, quality of paper and kind of type to be used in all reports, publications, bulletins or pamphlets published at the public expense."

Examination of the statutes governing and prescribing the powers and authority of the commissioners of public printing and of the supervisor of public printing, and kindred legislation, fails to disclose any legislative mandate or direction that publications, bulletins or pamphlets published at state expense shall be sold either at cost or for profit, except that opinions of the Attorney-General are required by section 779-1 G. C., to be sold by the secretary of state at prices fixed by the commissioners of public printing, but not to exceed ten per cent in excess of the cost of printing, paper, binding and delivery, that additional copies of laws are required by section 2282 G. C. to be sold by the county clerk at cost, that highway maps are required by section 2284-2 G. C. to be sold at cost, etc., plus twenty per cent additional, and that rosters of Ohio soldiers prepared and published under the recent act found in 108 O. L. (Part I), 191, are required to be sold by the secretary of state at prices fixed by the commissioners of public printing. There may be other special exceptions, but none of them include the so-called state plumbing code.

The legislative policy apparently is in favor of free distribution, except in certain instances where it is by statute otherwise expressly provided, and since no authority to fix prices at which printed pamphlets containing the plumbing code shall be sold, or to prohibit their free distribution, has been vested in the commissioners of public printing by the statutes creating that department or agency of the state government, you are advised that the commissioners are not warranted in exercising such authority.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*