

2654.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE STANDARD ELECTRIC COMPANY, KENT, OHIO, FOR ELECTRICAL WORK IN ADMINISTRATION BUILDING AT KENT STATE COLLEGE, KENT, OHIO, AT AN EXPENDITURE OF \$5,539.95—SURETY BOND EXECUTED BY THE HARTFORD ACCIDENT AND INDEMNITY COMPANY OF HARTFORD, CONNECTICUT.

COLUMBUS, OHIO, December 10, 1930.

HON. ALBERT 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 Board of Trustees, Kent State College, Kent, Ohio, and The Standard Electric Company, of Kent, Ohio. This contract covers the construction and completion of contract for electrical work (exclusive of general, heating and plumbing) for the remodeling of Administration Building at Kent State College, Kent, Ohio, as set forth in Item No. 6, Item No. 31 (Alt. No. 24), Item No. 32, (Alt. No. 25), Item No. 33, (Alt. No. 26), Item No. 34 (Alt. No. 27), Item No. 35 (Alt. No. 28), and Item No. 36 (Alt. No. 29), of the Form of Proposal dated October 23, 1930. Said contract calls for an expenditure of five thousand, five hundred and thirty-nine dollars and ninety-five cents (\$5,539.95).

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 presented evidence showing that the Controlling Board has approved the expenditure as required by Section 11 of House Bill No. 510 of the 88th General Assembly. In addition you have submitted a contract bond upon which the Hartford Accident and Indemnity Company of Hartford, Connecticut, 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 Act 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.*

2655.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND ARTHUR W. HORNIG, SANDUSKY, OHIO, FOR COMBINED GENERAL, PLUMBING AND ELECTRICAL WORK FOR REMODELING COTTAGE, SANDUSKY, OHIO, AT AN EXPENDITURE OF \$3,135.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY OF HARTFORD, CONNECTICUT.

COLUMBUS, OHIO, December 10, 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 Agriculture,

Division of Conservation, and Arthur W. Hornig, of Sandusky, Ohio. This contract covers the construction and completion of contract for combined general, plumbing and electrical work for remodeling cottage, Sandusky, Ohio, as set forth in Item No. 1 of the form of proposal dated October 25, 1930. Said contract calls for an expenditure of three thousand one hundred thirty-five (\$3,135.00) dollars.

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 furnished evidence showing that the Controlling Board has approved the expenditure. In addition, you have submitted a contract bond, upon which the Aetna Casualty and Surety Company of Hartford, Connecticut, 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.*

2656.

COUNTY ROADS—TRANSFER OF FUNDS—MONEYS—IN FUND USED  
FOR COOPERATING IN STATE PROJECTS MAY BE USED FOR  
COUNTY ROAD MAINTENANCE—CONSTITUTION NOT VIOLATED.

*SYLLABUS:*

*The application of a portion of moneys on hand in the fund provided by Section 1222, General Code, to county road maintenance is not violative of Section 5, Article XII of the Constitution, although a portion of such moneys was raised by the tax provided in Section 1222, General Code, prior to amendment by the 88th General Assembly.*

COLUMBUS, OHIO, December 10, 1930.

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

DEAR SIR:—Your letter of recent date is as follows:

"We have in the state and county road fund approximately thirty thousand dollars available which could be used to pay the county's proportion of cost and expense of any work conducted by the Department of Highways cooperating with the county in road projects as provided in Section 1222, G. C.

The county commissioners of Fairfield County desire to use a portion of this fund for general road maintenance as provided in Section 6906, G. C.

We request an opinion from you on the legality of such use of funds and suggest that you outline the necessary procedure for transfer if a transfer of funds is necessary."

Section 1222, General Code, after authorizing a board of county commissioners to levy a one and one-half mill tax for the purpose of providing a fund, provides as follows: