

The doubt which arises in your mind results from the fact that the heating plant to be installed in the new addition is also to be used incidentally for the heating of a portion of the old building, whereas the form of ballot used described the bond issue as being "for the purpose of constructing fireproof addition to school house and furnishing school house."

It scarcely can be questioned that the installation of a heating plant is a necessary and proper incident to the construction of a building. In fact, this department, in Opinions of the Attorney General for 1920, at page 825, has ruled that the installation of a heating plant "was a rebuilding or repair of the building itself and not a mere furnishing of the building." Obviously the same reasoning would apply to original construction and the word "constructing" would comprehend the installation of a heating plant. The justification for this particular heating plant, therefore, must be found in the first part of the phraseology of the ballot and not in the latter part, to wit, "furnishing school house." In other words, I am of the opinion that the installation of a heating plant is not a mere furnishing.

In the present case the heating plant, in so far as it is used for the purpose of heating the fireproof addition to the school house, would, under the rule above stated, be comprehended within the authority to construct such addition. The extension of such a heating system to include the heating of a portion of the old building, is not, in my opinion, a material variance from the purposes set forth in the ballot.

You further advise me that the resolution submitting the bond issue to a vote described the purpose of the issue in the same language as the ballot.

Answering your question specifically, therefore, I am of the opinion that the form of ballot voted upon is sufficiently broad to comprehend the expenditure of the funds for a heating plant in the new addition, which, incidentally, may extend to cover a portion of the old building.

You will understand, of course, that this opinion is limited in its scope and that there may be other questions affecting the validity of the issue which may develop upon examination of the transcript.

Respectfully,
EDWARD C. TURNER,
Attorney General.

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APPROVAL, BONDS OF PAINESVILLE RURAL SCHOOL DISTRICT,
LAKE COUNTY, \$15,500.00.

COLUMBUS, OHIO, February 11, 1927.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.