

1072.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENT IN HENRY COUNTY, OHIO.

COLUMBUS, OHIO, March 12, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

1073.

COLLEGES AND UNIVERSITIES—BOARD OF TRUSTEES PROPER CUSTODIAN OF MONEYS COLLECTED FOR DORMITORY ROOM RENT AND BOARD FROM STUDENTS ATTENDING STATE EDUCATIONAL INSTITUTIONS—HOW SUCH MONEYS USED AND DISBURSED.

1. *In the absence of a statute particularly designating a custodian for moneys collected for dormitory room rent and board from students attending the state educational institutions located at Athens, Bowling Green, Columbus, Kent, Oxford and Wilberforce, the boards of trustees of such institutions are the proper custodians thereof. In the interest of administrative convenience, however, said boards may designate some proper person custodian of such moneys.*

2. *Such moneys should be disbursed upon the approval of such boards of trustees, and not otherwise.*

3. *Such moneys should be used for the maintenance of the dormitory room rent and board service, and in this connection the term "maintenance" includes, among other things, the cost of light, heat, water, repairs, upkeep of equipment and insurance. Said term does not, however, in this connection include interest on investment.*

4. *The words "shall fix rates of tuition," found in paragraph 3, section 4, H. B. No. 44, 101 O. L. 321, are permissive, merely and not mandatory.*

5. *The boards of trustees of the several state normal schools mentioned in section 7654-7 G. C. are the proper custodians of the moneys paid by the state for model rural schools, pursuant to said section. Said moneys should be disbursed upon the approval of said boards of trustees, and not otherwise. Primarily such moneys should be applied to the maintenance of said model schools, but any excess remaining after such purpose is satisfied may be disposed of for such other school purposes as the boards of trustees at said state normal schools think proper.*

COLUMBUS, OHIO, March 13, 1920.

HON. A. V. DONAHEY, *Auditor of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date reads in part as follows:

"We are making an examination of the Kent normal school and find that there are no statutory laws governing the dormitories, established by legislative appropriations for the state educational institutions located at Athens, Bowling Green, Columbus, Kent, Oxford and Wilberforce, nor for the disposition of the moneys collected from students, at such institutions, for room rent and board.

We are familiar with the opinions of Attorney-General Turner, relative to the same, found in Vol. I, p. 35, and Vol. II, pp. 1149-1151 and 1193, for the year 1915, but are in some doubt as to just what items of expense should properly come within the terms 'self sustaining basis' and 'maintenance of