

Auditor of the Department of Highways, certifying that there has been appropriated the sum of \$31,500 to the credit of the improvement.

I have carefully examined the resolution and the respective certificates, find them to be correct in form, and hereby approve the same.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1146.

APPROVAL, BONDS OF VILLAGE OF MURRAY CITY, HOCKING COUNTY—\$2,500.00.

COLUMBUS, OHIO, November 4, 1929.

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

1147.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND GRAN BROS., ASHTABULA, OHIO, FOR ELECTRICAL WORK FOR GARAGE AT PAINESVILLE, OHIO, AT AN EXPENDITURE OF \$550.00—SURETY BOND EXECUTED BY THE MARYLAND CASUALTY COMPANY.

COLUMBUS, OHIO, November 4, 1929.

HON. RICHARD T. WISDA, *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 Highways, and Gran Bros., Ashtabula, Ohio. This contract covers the construction and completion of electrical contract for garage building at Painesville, Ohio, for the Department of Highways, and calls for an expenditure of five hundred and fifty dollars (\$550.00).

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 submitted evidence that the consent of the Controlling Board to the release of funds has been obtained in accordance with Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Maryland Casualty Company 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.

1148.

BOARD OF EDUCATION—PAYING PART OF PREMIUM ON GROUP LIFE INSURANCE FOR TEACHERS ILLEGAL.

SYLLABUS:

Boards of education are not authorized to pay from school funds part of the premium on a group life insurance policy for the protection of the teachers in its employ.

COLUMBUS, OHIO, November 5, 1929.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion in answer to the following question:

“May a board of education legally pay from school funds part of the premium on a group policy of life insurance for the teachers in its employ?”

As bearing upon this question my attention has been directed to two opinions of my predecessor reported in Opinions of the Attorney General for 1927 at page 48, and in Opinions of the Attorney General for 1928 at page 1099. In the former of these opinions it is held:

“Unless forbidden by its charter the legislative authority of a municipal corporation may as a part of the compensation to its employes, legally authorize group insurance on behalf of any or all of the employes of such municipality.”

In the second opinion above referred to, it is held:

“The legislative authority of a village may, as a part of the compensation to its employes, legally authorize group indemnity insurance, and pay the premium therefor from public funds.”

The two opinions above referred to are based upon the home rule powers of municipalities.

In the consideration of any question involving the powers of boards of education and their authority to perform or authorize certain acts, it must at all times be borne in mind that they are in an entirely different position so far as the limit of their powers is concerned than are the legislative authorities of municipal corporations. A board of education is an administrative board created by statute and its powers are limited to those granted to it, whereas municipal corporations, although created in the first instance under general laws, possess, after their creation, certain powers of local self-government, granted to them direct from the people by the constitution,