

according to the language used in the section, was to be effective as to each appropriation to be made immediately upon the taking effect of any appropriation for the same purpose made in House Bill No. 510. Furthermore, in those cases in which there was no appropriation made for the same purpose in House Bill No. 510, after said act became effective, the authority to expend the appropriations contained in Senate Bill No. 28 and Amended Senate Bill No. 53, ceased to exist. It would therefore seem that the language of House Bill No. 510 is unambiguous and clearly states that the appropriations set forth in Senate Bill No. 28 are repealed. Of course provision was made for the taking care of encumbrances or obligations arising against such fund prior to its repeal.

In the case you mention it is understood that the Controlling Board had taken no action whatever toward the allotting of the funds about which you inquire, before the effective date of said House Bill No. 510. Said bill was filed in the office of the Secretary of State on April 26, 1929, and was to become effective ninety days thereafter in so far as items for additions and betterments are concerned, although, of course, said act went into immediate effect upon being approved by the Governor in so far as it appropriated items for the current expenses of the state and its institutions.

From a conference with your office, it is further understood that there are no specific appropriations in House Bill No. 510 to cover appropriations similar to the one to which you refer in Senate Bill No. 28. Therefore, if such is the situation, the authority to make any expenditures from said original appropriation terminated at the time said House Bill No. 510 became effective, except as to the payment of liabilities lawfully incurred under authority of such appropriation prior to the effective date of said House Bill No. 510.

In view of the foregoing, it is my opinion that the unencumbered balances as of December 31, 1928, in the institutional fund for the Department of Public Welfare as set forth in Senate Bill No. 28, are not available for allotment by the Controlling Board or any other use after the effective date of House Bill No. 510, if there were no appropriations for the purpose in the latter bill, excepting such funds as may properly be used to pay liabilities lawfully incurred under authority of such appropriation prior to the effective date of House Bill No. 510.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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1156.

APPROVAL, BONDS OF PARMA VILLAGE, CUYAHOGA COUNTY—  
\$18,000.00.

COLUMBUS, OHIO, November 7, 1929.

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