

400.

DISAPPROVAL, BONDS OF LOGAN AND CHAMPAIGN COUNTIES  
—\$40,000.00.

COLUMBUS, OHIO, April 27, 1927.

Re: Bonds of Logan and Champaign Counties, \$40,000.00.

*Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—An examination of the transcript for the above bond issue discloses that it is proposed to issue the joint bonds of Logan and Champaign counties in anticipation of the collection of special assessments for a joint county ditch.

The proceedings authorizing the construction of a joint county ditch are contained in Sections 6536, et seq., of the General Code. These sections provide for a proceeding similar to that taken by a board of county commissioners for a single county ditch, except that the action shall be taken by a joint board of county commissioners consisting of the members of the boards of county commissioners of the several counties in which the land may be benefited by the proposed improvement.

Section 6537 of the Code provides in its first sentence as follows:

“Save and except as is otherwise provided in this chapter (G. C. 6536 to 6545), the joint board of county commissioners may do and perform all the things that the commissioners may do in a single county improvement, and shall be governed by and be subject to all the provisions of the chapter (G. C. 6442 to 6508) relating to single county ditches in so far as applicable.”

The counties in this instance are acting on the assumed authority conferred in this sentence in issuing joint bonds, since by virtue of Section 6464 of the Code authority is conferred on single counties to issue bonds in anticipation of the levy and collection of assessments for a single county ditch.

I do not feel that the authority conferred in Section 6537 of the Code extends to the issuance of bonds. The technical difficulties are such as to force me to this conclusion. You will note that Section 6537, as above quoted, states that the provisions for a single county ditch shall govern “in so far as applicable.” I do not believe that the bond issuing authority can be construed so as to warrant the joint board in issuing joint bonds of the counties involved.

The assessments made for a joint improvement of this character would manifestly be certified to and collected by the proper authorities of the individual county. In other words, there would be an apportionment of the assessments and they would be levied in accordance with the ordinary procedure governing assessments for benefits. Their collection would be made by the taxing officials of the individual counties, and it seems to me to follow logically that the bonds, issued in anticipation of the collection of these assessments, must be issued by the individual counties and not as joint obligations. To hold otherwise would require one county to assume an obligation for deficiencies for these assessments made upon land situated in an adjoining county. If, for instance, an assessment in Logan county were for thirty-five thousand dollars and that in Champaign county for five thousand dollars, and there should be a large deficiency in the collection in Logan county, under the proposed joint bond Champaign county would be equally responsible for any such deficiency arising in Logan county. The general duplicate in that county would have to bear equally the burden of the deficiency. Certainly this would not have been the contemplation of the legislature.

The bonds should be issued by the individual counties and in an amount equal to the assessments levied in the particular county issuing the bonds.

For the reasons that I have set forth I am of the opinion that there is no authority to issue joint obligations of two or more counties and that therefore the present bond issue must be rejected.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

401.

PATIENTS IN OHIO STATE SANITORIUM AT MT. VERNON--LIABILITY FOR THEIR SUPPORT--INTERPRETATION OF PHRASE "MEDICAL TREATMENT".

SYLLABUS:

1. *When patients in the Ohio State Sanitorium at Mt. Vernon, or persons legally liable for their support are unable to pay the minimum amount fixed by law or any part thereof for the care and support of such patients the county in which they have a legal residence is liable for such minimum amount and the patient is entitled to the full benefit of maintenance and care in such sanitorium, including, medical treatment, medicine, nursing, board, lodging and laundry.*

2. *The term "medical treatment" as used in Section 2068, General Code, includes such surgical operations as may be necessary.*

COLUMBUS, OHIO, April 28, 1927.

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

GENTLEMEN:--This will acknowledge receipt of your recent communication, requesting my opinion as follows:

"A person becomes an inmate of the Ohio State Sanitarium at Mt. Vernon under the provisions of Section 2068, of the General Code, the county paying the fee prescribed by such section. Such person was suddenly taken ill with a case of appendicitis which required an immediate operation.

Question: By whom should the expenses of such operation and hospital treatment be paid?"

You enclose a copy of a letter which you have received from one of your examiners in which he states that a Miss X of \_\_\_\_\_ county who was a patient at Mt. Vernon, developed a case of appendicitis, requiring an immediate operation. Before the operation was performed the superintendent of the hospital telegraphed to the city health commissioner of the city of which the lady was a resident to inquire as to who was to be responsible for the bill for the operation and he replied "to operate, bills would be paid". Whereupon the operation was performed.

The lady in question had been a patient at the sanitorium and had been discharged. She later was admitted to the institution a second time soon after which appendicitis developed, requiring immediate attention. She had never been formally accounted as a public charge as provided by Section 2544, of the General Code, but her circumstances were such that the county paid the charges provided for by Section 2068, General Code, *infra*.