

71.

APPROVAL: NOTES OF CONCORD RURAL SCHOOL DIST., DELAWARE COUNTY, OHIO—\$2,146.14.

COLUMBUS, OHIO, January 26, 1933.

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

72.

APPROVAL: NOTES OF EUCLID CITY SCHOOL DIST., CUYAHOGA COUNTY, OHIO—\$40,000.00.

COLUMBUS, OHIO, January 26, 1933.

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

73.

SOLDIERS' RELIEF, APPLICATION FOR SUCH RELIEF MAY BE MADE DIRECTLY TO SOLDIERS' RELIEF COMMISSION—SIX MONTHS' RESIDENCE REQUIREMENT APPLICABLE.

SYLLABUS:

1. *Application for soldiers' relief, under sections 2930, et seq., of the General Code, may be made directly to the county soldiers' relief commission in cases not submitted to the commission in the lists furnished by the proper township or ward soldiers' relief committee.*

2. *All such persons eligible to relief must be bona fide residents of the county six months next prior to the first Monday in May of the year in which such eligibility is determined.*

COLUMBUS, OHIO, January 27, 1933.

HON. ERNEST L. WOLFF, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—I have your letter of recent date which reads as follows:

“Under section 2934 of the General Code, those persons eligible therefore may apply to Township and Ward Soldiers' Relief Commission for Soldiers' Relief, under the condition that they have have been residents of the state for one year and of the county six months next, prior to the first Monday in May.

“I wish to inquire whether application for Soldiers' Relief may be made directly to the Soldiers' Relief Commission of the county. Also,

does the six months' residence limitation apply to application made direct to county commission? If so, is the six months' period directly prior to the making of such application for Soldiers' Relief?"

Sections 2930, et seq., of the General Code provide for the organization of a Soldiers' Relief Commission in each county. Section 2933 provides that this commission shall appoint a Soldiers' Relief Committee "for each township, except for any part thereof within the limits of a city, and for each ward in any city in the county." Section 2934 (as amended, 114 O. L. 70) provides as follows:

"Each township and ward soldiers' relief committee shall receive all applications for relief under these provisions, from applicants residing in such township or ward, examine carefully into the case of each applicant and on the first Monday in May in each year make a list of all needy soldiers, sailors and marines, and of their needy parents, wives, widows and minor children, including widows of soldiers, sailors and marines who have remarried, but again have become needy widows, who reside in such township or ward, and including the soldiers, sailors and marines of the Spanish-American war, or of the world war and their wives, widows, needy parents, minor children and wards, who have been bona fide residents of the state one year, and of the county six months, next prior to such first Monday in May, and who, in the opinion of such relief committee, requires aid, and are entitled to relief under these provisions."

Section 2935 provides that on or before the last Monday in May the township or ward committee shall deliver the list required by section 2934, together with a statement containing certain information, to the county commission. Section 2936 reads:

"On such last Monday in May the commission shall meet and determine from such lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, *together with an amount sufficient in the judgment of the commission, to furnish relief to any such indigent persons not named on such lists, whose rights to relief shall be established to the satisfaction of the commission.* After determining the probable amount necessary for such purpose, the commission shall certify it to the county commissioners, who, at their June session shall make the levy necessary to raise the required relief, not to exceed five-tenths of a mill per dollar on the assessed value of the property of the county hereinafter authorized."

(Italics the Writer's)

Section 2937 provides:

"On the fourth Monday of November of each year and at such other times as may be necessary, the soldiers' relief commission shall meet * * * and examine carefully the lists and statements of those reported by the township and ward soldiers' relief committees,

and also all cases not included in such lists, who, before and during their session, have been recommended to the commission for aid under these provisions. If satisfied that those so recommended, or any of them are in need of assistance and are entitled thereto under these provisions, the commission shall fix the amount to be paid each month in each case to such person or family."

(Italics the writer's)

Section 2936 makes it the duty of the county relief commission to take into account relief to indigent persons not on the committee's lists in estimating the probable amount necessary for soldiers' relief during the ensuing year. The right to relief of those not on the lists "shall be established to the satisfaction of the commission." Under section 2937, the commission has the duty to fix the sums for relief in cases not included in the lists. From these provisions, it is clear that the application for soldiers' relief may be made directly to the Soldiers' Relief Commission of the county. This answers your first question.

The only persons not on the lists who are entitled to relief are those "whose rights to relief shall be established to the satisfaction of the commission." In order to determine those persons having the right to relief, it is necessary to refer back to section 2934 which fixes the residence requirement for those eligible to be included on the lists of the committees. The several sections relating to soldiers' relief are without doubt in *pari materia* and must be construed together. It follows that the six months' residence requirement is imposed in cases where application for relief is made directly to the county commission.

Having thus answered your second question, it becomes necessary to proceed with your third inquiry.

The only date mentioned in the statute for reckoning the six months' period is the first Monday in May nor does the statute suggest a distinction in this regard between cases on the committee's lists and the cases coming directly to the commission. The legislature evidently intended for the county to aid only bona fide residents and in order to insure this result fixed the six months' period. I am therefore of the opinion that the county commission can extend aid directly only to persons, in other respects qualified, who have been bona fide residents of the county for a period of six months next prior to the first Monday in May of the year in which eligibility for relief is determined. It should be noted that this is the year immediately preceding the one in which the sums granted are actually paid, since under section 2937 the regular meeting for determining those eligible to receive aid during any particular year is held on the fourth Monday of November in the preceding year.

Respectfully,

JOHN W. BRICKER,

Attorney General.