

You are therefore advised that county commissioners may under section 5851 of the General Code, allow claims presented in instances where the person making such claim has been exposed to inoculation by reason of coming in contact with a dog, cat or other animal afflicted with rabies.

Respectfully,

C. C. CRABBE,
Attorney General.

3827.

COUNTY COMMISSIONERS MAY CONTRACT WITH CITY FOR CARE AND TREATMENT OF RESIDENTS OF COUNTY SUFFERING FROM TUBERCULOSIS.

SYLLABUS:

Under section 3143 of the General Code the commissioners of a county may contract with a city, maintaining a hospital for tuberculosis, for the care and treatment of the inmates of the county infirmary or other residents of the county who are suffering from tuberculosis other than pulmonary.

COLUMBUS, OHIO, November 19, 1926.

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

GENTLEMEN:—Acknowledgment is made of your communication requesting my opinion as follows:

“Section 3143 of the General Code authorizes the commissioners of a county to contract with the authorities of a city maintaining a hospital for tuberculosis for the care and treatment of the inmates of the county infirmary or other residents of the county who are suffering from tuberculosis.

Question: Does this section authorize a contract for the care and treatment of persons suffering from tuberculosis other than pulmonary tuberculosis, commonly known as consumption, as indicated in section 3139 of the General Code?

We call your attention to the fact that prior to the amendment of section 3143 in 107 Ohio Laws at page 495, the words used were ‘pulmonary tuberculosis,’ while in the amendment the word ‘pulmonary’ was eliminated.”

Well known rules of statutory construction are to the effect that the legislature must have intended some meaning to be attached to every word used in the enactment of law. The converse of this proposition must also be true. That is, when words have heretofore been used in a given statute and the same amended, specific words therein omitted must have had some special significance in the minds of the legislature.

As suggested by you, section 3143 contained the expression “pulmonary tuberculosis” before amendment. However, in the amendment, as suggested by you, the word “pulmonary” was eliminated, leaving the broad term “tuberculosis.” While section 3139 still contains the expression “pulmonary tuberculosis” with reference to those who may not be kept in a county infirmary, it is believed that this fact should not alter the construction of section 3143. It is probable that at the time of the enactment of section 3139 the other kinds of tuberculosis were not so much known to medical science, as at the time of the amendment.

It, further, is probably true that pulmonary tuberculosis is the worst form of

the disease. It is possible, of course, that by inadvertence, the legislature failed to amend section 3139, although such argument could not be used if that section were under consideration.

However, section 3143 in clear and definite terms provides that the county commissioners may contract with the officers of a municipality for the care and treatment of inmates who are suffering from tuberculosis. The word "tuberculosis" has been defined by Webster as follows :

"A disease accompanied by the formation of some tubercles in the tissues."

It is fair to assume that the legislature intended the common and ordinary meaning of the language which was used. Having omitted from the section in its amendment the word "pulmonary," it would seem conclusive that it was not intended to limit such relief to the original form. Furthermore, from the standpoint of policy and humanitarian interests, it would seem that relief from such a disease in any of its forms should be the object of government.

You are therefore advised that under section 3143 of the General Code, the commissioners of a county may contract with a city, maintaining a hospital for tuberculosis, for the care and treatment of the inmates of the county infirmary or other residents of the county who are suffering from tuberculosis other than pulmonary.

Respectfully,
C. C. CRABBE,
Attorney General.

3828.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE PENNSYLVANIA RAILROAD COMPANY, COVERING CONSTRUCTION OF GRADE SEPARATION PROJECT OF INTER-COUNTY HIGHWAY NO. 347, HANOVER TOWNSHIP, LICKING COUNTY, OHIO, AT COST OF \$55,000.00 (TO BE DIVIDED BETWEEN R. R. CO., STATE AND COUNTY.)

COLUMBUS, OHIO, November 22, 1926.

HON. G. F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of November 18, 1926, in which you transmit in duplicate, for my approval, a contract which you propose to execute on behalf of the State of Ohio, and with The Pennsylvania Railroad Company, covering the construction of a grade separation project on inter-county highway No. 347, Hanover township, Licking county, Ohio, and two miles west of Black Run.

It is noted that the estimated cost and expense of the proposed project is \$55,000.00, which is to be borne by the railroad company contributing 50 per cent, the State of Ohio 25 per cent, and Licking county 25 percent. Your file discloses that on July 21, 1926, the county auditor of Licking county certified the availability of county funds in the sum of \$13,750.00, and that on the same date the county commissioners of Licking county, by resolution duly adopted, appropriated said amount to cover the county's proportion of the costs and expenses. Your file further shows that on November 17, 1926, Hon. Wilber E. Baker, Director of Finance of the State of Ohio, certified the availability of state funds in the sum of \$13,750.00.