

627 applying only to "funds created by or distributed under this act" are no deterrent to the procedure outlined in the Resolution of your Board of County Commissioners, even though the salaries paid to such Assistant Clerks of the Board of County Commissioners may exceed the limitations laid down in Section 5 of House Bill No. 627.

Specifically answering your inquiry, it is my opinion that the Board of County Commissioners of a county have authority by virtue of the provisions of Section 2409, General Code, if they find it necessary for the Clerk to devote his entire time to the discharge of the duties of the position, to appoint a Clerk in place of the County Auditor and such necessary Assistants to such Clerk as the Board of County Commissioners deems necessary. Such Clerk or his Assistants may be assigned to poor relief duties which are incumbent upon the Board of County Commissioners to perform and may be paid out of the general fund of the county. Section 5 of House Bill No. 627 enacted in the First Special Session of the 91st General Assembly, does not prohibit the payment of salaries to such Assistant Clerks to the Board of County Commissioners out of the general fund of the county in excess of the limitations laid down in Section 5 of House Bill No. 627.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5329.

SALARY—PHYSICIAN FOR INDIGENTS ON RELIEF ROLLS—
NOT INCLUDED AS AN ADMINISTRATION COST.

SYLLABUS:

The payment of a monthly salary to physicians for the rendition of medical services to all the indigents in a county on the relief rolls is not an administration expenditure and is not a salary or compensation of an administrative official or employe within the purview of Section 5 of House Bill No. 627, enacted in the First Special Session of the 91st General Assembly.

COLUMBUS, OHIO, April 4, 1936.

HON. ALVIN F. WEICHEL, *Prosecuting Attorney, Sandusky, Ohio.*

DEAR SIR: I am in receipt of your communication which reads as follows:

"With reference to House Bill 627, Section 5, will you kindly advise as to your interpretation of administrative costs,

pursuant to the facts set forth in a letter from the Erie County Relief Director addressed to me, a copy of which letter is hereto attached.

As there has been some misunderstanding with reference to the medical relief in the county, will you kindly render an immediate opinion so that medical relief to the indigent persons in this county will not be interrupted."

The attached memorandum states:

"During the life of F.E.R.A. and for the first two months of the administration of relief by the County Unit or until January 31, 1936, the cost of relief medical service in Erie County was paid on a monthly salary basis.

The plan worked as follows: On the first day of each month, upon the recommendation of the Erie County Medical Association, the Erie County Relief Department contracted with three physicians for the medical care of those persons whose names appeared on the local relief rolls.

This staff was set up in such a manner that two of the men handled the ordinary routine services and assisted the third man, designated as chief, who had charge of all surgical cases and who acted as consultant in those cases where his advice was felt necessary.

For the month's services the two junior men were paid a salary of \$175.00 each, the chief \$150.00.

It is our opinion that this charge must, because it is paid as a salary, be shown as an administrative cost. All expenditures such as food, clothing, and shelter not of an administrative nature are charged directly to the individual and designated as direct relief.

Under Section Five of House Bill 627, 'salaries' are definitely mentioned as an administrative cost.

Operating medical relief on the salary basis is decidedly less expensive and less cumbersome. Will you kindly give us your opinion as to whether it can be operated under the former plan without making a separate entry and charge for each individual service rendered."

Section 1 of House Bill No. 627, enacted in the First Special Session of the 91st General Assembly, provides in part:

“For the purposes of this act:

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The term ‘direct relief’ shall mean the provision of food, clothing, shelter, fuel, *medical attention* and other necessary commodities and services in the home of the individual aided or, in the case of a homeless person, in a lodging house or other suitable quarters; * * *.” (Italics ours.)

From the above definition it is obvious that the payment of medical services to a physician for the treatment of people on the poor relief rolls would be included within the category of “direct relief” to the indigent. Section 5 of House Bill No. 627 provides:

“The sum total of all salaries, compensations, administrative expense, clerical expense, incidental expense, and the expense of investigation and all other expenses of the county commissioners in administering and carrying on the poor relief and poor relief work herein designated, paid out of the funds created by, or distributed under this act, shall not exceed five (5%) per cent of the total amount of respective monthly expenditures authorized by this act. All salaries and compensations to be paid from the funds allocated to the counties under this act shall be fixed by the county commissioners. No salary or compensation to be paid from the funds created by this act shall be in excess of one hundred fifty (\$150.00) dollars per month and that for only one such employee or person, except in counties having a population of more than fifty thousand persons, in which only one such employee, or person, may be paid from the herein established fund at the monthly rate of \$10.00 additional for each fifty thousand of population in excess of said fifty thousand persons as established by the last federal census.”

Inasmuch as the term “direct relief” includes in its legislative definition in Section 1 of House Bill No. 627, the furnishing of medical attention to indigents, it necessarily follows, as pointed out above, that the payment of money to physicians for attending and assisting indigents who need medical care is within the purview of the legislative definition of “direct relief” supra. Certainly no line of distinction or demarcation should be drawn between paying doctors after each medical service rendered to an indigent and the payment to them of a lump sum figure in pursuance of a contract for rendering medical care for all the indigents on the relief rolls. As a practical matter, as pointed out in your attached memorandum, it may well be that the latter method would tend to conserve the relief funds available for other purposes.

The provisions in Section 5 of House Bill No. 627, that "the sum total of all salaries, compensations, administrative expense, clerical expense, incidental expense, and the expense of investigation and all other expenses of the county commissioners" clearly means *administration expenses*, inasmuch as the words immediately following the above quoted words are "*in administering and carrying on the poor relief and poor relief work herein designated.*"

It is a cardinal rule of statutory construction that each section of an act must be construed, if possible, in harmony with the other sections of the act. Black on Interpretation of Laws, pages 60 and 61.

Inasmuch as it is my opinion that the payment of money to physicians for the rendition of medical services to indigents is clearly within the legislative definition of "direct relief" in Section 1 of House Bill No. 627, it is my opinion that in order to harmonize Section 1 of the Act with Section 5 of the Act, it necessarily follows that the payment of a monthly salary to physicians in pursuance of a contract for medical care rendered to indigents on the relief rolls is not an "administration expense" and is not a salary or compensation of an administrative official or employe within the purview of Section 5 of House Bill No. 627.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5330.

WORK RELIEF—ADMINISTRATION DUTIES NOT INCLUDED
IN WORK RELIEF PROJECT.

SYLLABUS:

The definition of "work relief" contained in Section 1 of House Bill No. 627, does not include a "work relief project" of poor relief administration duties.

COLUMBUS, OHIO, April 6, 1936.

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

GENTLEMEN: I am in receipt of your request for my opinion which reads as follows:

"Section 1 of House Bill No. 627, passed January 23, 1936, and approved January 30, 1936, provides a definition of 'work relief'.

This act provides further that the county commissioners