

2318.

BOND ISSUE—PROCEEDS OF BONDS ISSUED UNDER SECTIONS 3 AND 7 OF AMENDED SENATE BILL No. 4 OF 1st SPECIAL SESSION OF 89th GENERAL ASSEMBLY AS AMENDED MAY BE USED FOR WHAT—

*SYLLABUS:*

*The proceeds of bonds issued under section 3 of Amended Senate Bill No. 4 of the first special session of the 89th General Assembly, as amended by Senate Bill No. 2 of the second special session of the 89th General Assembly and by Senate Bill No. 63 of the 90th General Assembly and by House Bill No. 7 of the second special session of the 90th General Assembly, may not be expended by county commissioners for the maintenance of the county home or the county children's home, or for soldiers' relief or the payment of mothers' pensions, but the proceeds of bonds issued under section 7 of said Amended Senate Bill No. 4, as amended by said Senate Bill No. 63 and by House Bill No. 7 of the first special session of the 90th General Assembly, may, with the approval of the state relief commission, be used for all of said purposes.*

COLUMBUS, OHIO, February 26, 1934.

*State Relief Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—I acknowledge receipt of your communications in which you ask the following questions:

“May the proceeds of bonds issued under the provisions of section 3 of Amended Senate Bill No. 4, as amended by Senate Bill No. 63, be expended by a board of county commissioners for Mothers' pensions or for soldiers' relief.

May the proceeds of bonds issued under the provisions of section 3 of Amended Senate Bill No. 4, as amended by Senate Bill No. 63, be expended by a board of county commissioners for the upkeep of the county home or of the county children's home?”

Section 3 of Amended Senate Bill No. 4, of the first special session of the 89th General Assembly, as amended by Senate Bill No. 2 of the second special session of the 89th General Assembly, and by Senate Bill No. 63 of the 90th General Assembly and by House Bill No. 7 of the second special session of the 90th General Assembly, provides for the issuance of bonds by county commissioners “to provide funds for poor relief within the county,” with the approval of the state relief commission, in an amount not exceeding that which the tax commission calculates will be probably allocated to such county under the provisions of section 5 of the act.

Section 2 of said Amended Senate Bill No. 4, as amended by House Bill No. 7 of the first special session of the 90th General Assembly, reads in part as follows:

“‘Poor relief,’ in the case of a county, shall mean the furnishing of temporary support and medical relief to non-residents, pursuant to sections 3476 and 3484-2 of the General Code, and the furnishing of

direct and work relief by county commissioners under the provisions of section 9 of this act.”

The terms “work relief” and “direct relief” are defined by section 1 of said Amended Senate Bill No. 4, as amended by House Bill No. 7 of the first special session of the 90th General Assembly and by House Bill No. 39 of the second special session of the 90th General Assembly, as follows:

“b. The term ‘work relief’ shall mean ‘relief given in exchange for labor,’ \* \* \*.

c. The term ‘direct relief’ shall mean the furnishing of food, clothing, shelter, fuel and medical attention in the home.’

Section 3484-2, General Code, provides for the payment under certain conditions by a county for hospital or medical services rendered by a municipality or township of another county to a person having a legal settlement in the former county.

Section 3476, General Code, reads in part as follows:

“ \* \* \* Relief to be granted by the county shall be given to those persons who do not have the necessary residence requirements, and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such they can not be satisfactorily cared for except at the county infirmary or under county control. \* \* \* ”

Section 2 of the act in referring to section 3476, General Code, standing alone might be broad enough to include the maintenance of a county institution as a part of the expense necessary in giving relief to persons whose peculiar condition is such that they must be cared for in such institution. However, section 7 of said Amended Senate Bill No. 4, as amended by said Senate Bill No. 63 and by House Bill No. 7 of the first special session of the 90th General Assembly, which provides for the issuance of bonds when the state relief commission finds that a county has issued all the bonds which it is authorized to issue under section 3 of the act and all the funds derived therefrom have been expended or definitely allocated for poor relief, reads in part as follows:

“For the purposes of this section ‘poor relief’ in the case of a county, shall mean the payment of mothers’ pensions allowed, or to be allowed, by the juvenile court, under sections 1683-2 to 1683-9 inclusive, of the General Code; soldiers’ relief as provided in sections 2930 to 2941, inclusive, of the General Code; the furnishing of temporary support and medical relief to non-residents, pursuant to sections 3476 and 3484-2 of the General Code; and the maintenance of a county home and the children’s home, and the expense of placing children in private homes incurred, pursuant to sections 3095 and 3096 of the General Code; and the furnishing of direct and work relief by the county commissioners under the provisions of section 9 of this act.”

It is well settled that in the construction of a statute each section thereof must be construed in connection with the whole act of which it is a part, and a construction which gives effect to every section and clause must be favored. *Medical College vs. Ziegler, et al.*, 17 O. S. 52; *State vs. Rouch*, 47 O. S. 478; *State vs. Van Gunter*, 84 O. S. 172. If the legislature had intended that its reference to section 3476, General Code, in defining poor relief, should be broad enough to include the upkeep of a county institution, then it would have been unnecessary expressly to include in the definition of poor relief for which the proceeds of bonds issued under section 7 of the act can be expended "Maintenance of a county home and the children's home;" and the inclusion of this clause in the definition of poor relief as used in section 7 and its exclusion in the definition of poor relief as used in section 2, would be meaningless. When the legislature expressly provided for the use of the proceeds of bonds issued under section 7 for this purpose and made no express provision therefor in the definition of poor relief for which the proceeds of bonds issued under section 3 may be used, it clearly intended that the proceeds of such bonds could not be used for the maintenance of a county home or a children's home.

Likewise, while the legislature expressly provided that the proceeds of bonds issued under section 7 may be used for the payment of mothers' pensions and for affording soldiers' relief as provided in sections 2930 to 2941, inclusive, General Code, there is no authority in the act for the use of the proceeds of bonds issued under section 3 of the act for either of such purposes.

I am of the opinion therefore that the proceeds of bonds issued under section 3 of Amended Senate Bill No. 4 of the first special session of the 89th General Assembly, as amended by Senate Bill No. 2 of the second special session of the 89th General Assembly and by Senate Bill No. 63 of the 90th General Assembly and by House Bill No. 7 of the second special session of the 90th General Assembly, may not be expended by county commissioners for the maintenance of the county home or the county children's home, or for soldiers' relief or the payment of mothers' pensions, but the proceeds of bonds issued under section 7 of said Amended Senate Bill No. 4, as amended by said Senate Bill No. 63 and by House Bill No. 7 of the first special session of the 90th General Assembly, may, with the approval of the state relief commission, be used for all of said purposes.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

2319.

TOWNSHIP TRUSTEES—MAY PROVIDE REASONABLE FEE FOR  
VOLUNTEER FIREMEN ATTENDING PRACTICE MEETINGS OF  
VOLUNTEER FIRE COMPANY.

SYLLABUS:

1. *Under the provisions of Section 3298-54, General Code, the township trustees of a township may legally provide for a reasonable fee to be paid volunteer*