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AUTOMOBILE — TO INVESTIGATE AND ADMINISTER AID FOR DEPENDENT CHILDREN—COUNTY ADMINISTRATION MAY PURCHASE—PAY FROM ANY MONEYS TRANSFERRED FROM GENERAL FUND OF COUNTY BY COMMISSIONERS, WHICH MAY BE IN SPECIAL FUND FOR SUCH AID — SECTION 1359-36 G. C. — MAY PAY FROM COUNTY TREASURY WHERE DEPARTMENT OF PUBLIC WELFARE, THROUGH STATE TREASURY, SET SUCH FUNDS APART FOR ADMINISTRATIVE PURPOSES.

SYLLABUS:

An automobile to be used for purposes of making investigations, in connection with administering aid for dependent children, may be purchased by the county administration and paid for from any moneys which may be in the special fund for aid to needy children which have been transferred by the county commissioners from the general fund of the county, pursuant to sec-

tion 1359-36, General Code, or from such part of the moneys paid into the treasury of the county from the State Treasury as has been set apart for administrative purposes by the Department of Public Welfare.

Columbus, Ohio, September 17, 1940.

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

Gentlemen:

This will acknowledge receipt of your recent communication, which reads as follows:

“May an automobile for the use of an investigator in the Aid for Dependent Children Division of the Juvenile Court be purchased by the county commissioners or the Juvenile Judge, and be paid for from funds, appropriated for Aid for Dependent Children, as a part of the administration cost thereof.”

Section 1359-31, General Code, which defines the county administration in connection with the administering of aid for dependent children, reads as follows:

“As used in this act: ‘County administration’ means the juvenile judge, excepting in counties in which, by charter or by law, the powers and duties vested in and imposed upon the county administration by this act are vested in and imposed upon a county department, board, commission, or officer other than the juvenile judge.

‘Juvenile judge’ means the judge of a juvenile court, as defined in section 1639 of the General Code or the judge at the time exercising the juvenile jurisdiction therein mentioned, and includes also the judge of a court of common pleas, division of domestic relations. Excepting as provided in section 13 of this act with respect to proceedings in contempt, the powers and duties vested in and imposed upon a juvenile judge by this act are administrative powers and duties of county government, and nothing herein, excepting said section 13 shall be so construed as to vest judicial power in a juvenile judge with respect to the administration of this act.

Words in the masculine gender include the feminine gender.”

The powers of the county administration with respect to making investigations and employing necessary investigators are set forth in sections

1359-41 and 1359-46 of the General Code, which sections, in so far as the same are material hereto, read as follows:

Section 1359-41:

“The State Department of Public Welfare and the county administration * * * shall make investigations and conduct hearings in such manner as seems best calculated to conform to substantial justice and the spirit of this act.”

Section 1359-46:

“Within the appropriation for personal services, each county administration is empowered to employ the necessary employes who shall be in the classified civil service, any provisions of law to the contrary notwithstanding. * * * ”

In connection therewith, your attention is likewise directed to section 1359-34, General Code, which, among other things, provides:

“ * * * Before aid is granted, a careful examination of such home shall be made by an employe of the county administration * * * ”

Under the terms of the above quoted sections, the duty of making investigations in each case where application for aid has been made, clearly devolves upon the county administration. Obviously, therefore, the expense of making such investigation may legally be incurred by the county administration and paid for by it out of any moneys available for administrative costs. Therefore, being charged by statute with the duty of conducting investigations and being expressly empowered by law to hire employes for such purpose, the county administration would, under the familiar rule of law that public officers have such implied powers as are necessary to carry those expressly granted into effect, have power to furnish, if necessary, proper and efficient means of transportation to persons engaged in making the investigations required by statute. Certainly, if transportation is necessary, the costs of furnishing the same would be an expense incurred in administering the aid provided for in the statute.

The only remaining question is whether or not an automobile is necessary as a means of transportation. Obviously, if a careful examination of the home of each applicant for aid residing in the county must be made, some means of rapid and economical transportation should be furnished the investigator and it would therefore be absurd to say that implied power to purchase an automobile for use in making such investigations does not exist.

With respect to the funds and the amount thereof which may be used for defraying the expense of administering aid for dependent children, your attention is directed to an opinion rendered by me on November 6, 1939 (Opinions of the Attorney General, 1939, Vol. III, page 2075), wherein it is held:

“1. When moneys are transferred from the general fund of a county to a special fund for aid to needy children, pursuant to section 1359-36, General Code, there is no limitation upon the amount of such moneys which may be used for defraying the expense of administering such aid.

2. Of the amounts paid into the treasury of any county from the State Treasury, pursuant to the provisions of said section, only that portion up to 10 per cent thereof, as determined by the State Department of Public Welfare, may be used for defraying the expense of administering such aid.”

In view of the above observations, it would therefore appear, and you are consequently advised, that in my opinion an automobile to be used for purposes of making investigations, in connection with administering aid for dependent children, may be purchased by the county administration and paid for from any moneys which may be in the special fund for aid to needy children which have been transferred by the county commissioners from the general fund of the county, pursuant to section 1359-36, General Code, or from such part of the moneys paid into the treasury of the county from the State Treasury as has been set apart for administrative purposes by the Department of Public Welfare, pursuant to said statute.

Respectfully,

THOMAS J. HERBERT,
Attorney General.