

ther been submitted a contractor's power of attorney to the Secretary of State of Ohio, and an extension of time of completion date.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other papers submitted in this connection.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

2766.

RELIEF—AMENDED SENATE BILL 465—RECIPIENT MUST ESTABLISH THREE YEARS' RESIDENCE IN STATE AND NINETY DAYS IN COUNTY REGARDLESS OF PRIOR STATUS—WHERE SUBDIVISIONS FURNISH RELIEF FROM OWN FUNDS UNDER SECTION 3476 G. C. LEGAL SETTLEMENT DETERMINED UNDER SECTIONS 3477 AND 3479 G. C.

*SYLLABUS:*

1. *A person receiving relief under the provisions of Amended Senate Bill No. 465 must have resided in the State of Ohio for three years and likewise resided in the county for a period of ninety days and this qualification applies to all relief recipients being furnished relief under this act regardless of their prior status and qualifications.*

2. *In cases where relief is being furnished by the respective subdivisions from their own moneys under authority of Sections 3476, et seq., General Code, legal settlement in those cases must be determined in accordance with Sections 3477 and 3479, General Code.*

COLUMBUS, OHIO, July 27, 1938.

HON. NICHOLAS F. NOLAN, *Prosecuting Attorney, Dayton, Ohio.*

DEAR SIR: I am in receipt of your letter of recent date requesting my opinion, which reads as follows:

"Amended Senate Bill No. 465, enacted by the last special session of the legislature, made some radical changes in our legal settlement laws as applied to poor relief. As you will recall, a ninety-day residence alone in the county is sufficient, nothing being said about the applicant for relief being self-

supporting during the ninety days. Then the one-year residence requirement of the old statute is increased to three years. We have already received several inquiries as to whether these ninety-day and three-year requirements will apply to both old and new cases, or not.

For instance, we have cases of residents who have already qualified for relief under the one-year rule, having resided in our county possibly two years. Will such two-year cases be ineligible for relief under the three-year rule?

We have a feeling that you no doubt have received other requests similar to ours, and knowing that the matter is of state-wide interest, we would appreciate an early expression from you as to your interpretation. The City of Dayton is apparently applying the three-year rule to both old and new cases, and are referring all such cases to the county commissioners as non-residents."

Amended Senate Bill No. 465, passed by the 92nd General Assembly in special session as an emergency measure and effective July 11, 1938, provided for the administration of poor relief in the state, established a State Relief Director and for the first time since April 15, 1937, specifically empowered the county commissioners to establish and maintain a centralized relief set-up to handle relief on a county-wide basis. Although your inquiry does not specifically involve the question of centralized relief, it would be well to consider briefly this feature in that the same is of state-wide interest.

Section 6 of Amended Senate Bill No. 465 authorizes the county commissioners to administer all advances by the state and to allocate such funds to the municipalities and townships in such county in direct proportion to the number of relief persons handled by each, where poor relief is furnished by municipal corporations and townships rather than by the county commissioners on a county-wide basis. If the proper municipal officials or township trustees so consent, the board of county commissioners may carry on the poor relief in all or a portion of such county. It must be remembered, however, that this authority only extends through the year 1939 in that Section 14 of this act provides that the act shall be effective during the years 1938 and 1939 only.

That part of Section 1 of said act pertinent to your inquiry reads as follows:

"For the purposes of this act no person shall be eligible to receive relief unless said person has resided in the county for a period of ninety days and has been a resident of the State of Ohio for three years."

Nowhere in the language above quoted is there any reference to a period during which the applicant must have sustained himself or herself such as found in Sections 3477 and 3479 of the General Code. Heretofore persons who have secured legal settlement in any county of the state must have continuously resided and supported himself or herself for twelve consecutive months without relief, and to gain legal settlement in a township or municipal corporation, to have resided in said township or municipality continuously and supported himself or herself for three consecutive months without relief. Under the provisions of Amended Senate Bill 465, it will therefore be noted that this particular qualification does not exist but that the only thing required is that the person must have been a resident of the State of Ohio for three years and must have resided in the county for a period of ninety days. This qualifying feature applies to all relief applicants regardless of whether or not they are now on relief or are making application for relief. To my mind the three-year period and likewise the ninety day period must be calculated from the date upon which the indigent makes his or her application. I can see no reason for any other construction to be placed upon the language of this section and I feel that this qualifying feature applies to all recipients of relief under the provisions of Amended Senate Bill No. 465, regardless of their prior status.

It is apparent that such a legal settlement standard will work hardships on many indigents, but inasmuch as the legislature has seen fit to enact such a settlement standard, there is no alternative but to follow the clear mandate of the law.

In the event relief is furnished not under the provisions of Amended Senate Bill No. 465, but rather is furnished by the respective subdivisions of the State of Ohio from their own moneys under authority of Sections 3476, et seq., General Code, then and in that event the law as to legal settlement is to be found in Sections 3477 and 3479 of the General Code. These laws are still applicable in these cases for the reason that in Section 6 of Amended Senate Bill No. 465, there is to be found the following recital:

“Nothing in this act shall be construed to change, amend or abrogate the duty of the county, municipal and township officials to afford relief as provided in Section 3476 and other sections of the General Code relating thereto.”

In specific answer to your inquiry, it is my opinion that:

1. A person receiving relief under the provisions of Amended Senate Bill 465 must have resided in the State of Ohio for three years and likewise resided in the county for a period of ninety days and this

qualification applies to all relief recipients being furnished relief under this act regardless of their prior status and qualifications.

2. In cases where relief is being furnished by the respective subdivisions from their own moneys under authority of Sections 3476, et seq., General Code, legal settlement in those cases must be determined in accordance with Sections 3477 and 3479, General Code.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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2767.

APPROVAL—BONDS, COVENTRY RURAL SCHOOL DISTRICT,  
SUMMIT COUNTY, OHIO, \$10,00.00, DATED JULY 15, 1938.

COLUMBUS, OHIO, July 27, 1938.

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

GENTLEMEN :

RE: Bonds of Coventry Rural School District, Summit  
County, Ohio, \$10,000.00 (Limited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of deficiency bonds dated July 15, 1938, bearing interest at the rate of 3½% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said school district.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*