

2315.

COUNTY COMMISSIONERS—RESIDENTS OF CITY WITHIN COUNTY MAY RECEIVE DIRECT OR WORK RELIEF FROM COUNTY COMMISSIONERS UNDER SECTION 7 OF AMENDED SENATE BILL NO. 4 1st SPECIAL SESSION OF 89th GENERAL ASSEMBLY, AS AMENDED—WHEN AUTHORIZED BY STATE RELIEF COMMISSION.

SYLLABUS:

At any time prior to the first day of March, 1935, the commissioners of a county may, when authorized by the state relief commission, expend any part of the proceeds of bonds issued by such county under the provisions of section 7 of Amended Senate Bill No. 4 of the first special session of the 89th General Assembly, as amended by Senate Bill No. 63 of the 90th General Assembly, and House Bill No. 7 of the first special session of the 90th General Assembly, for furnishing direct or work relief to persons resident of a city within such county who are in a condition requiring it.

COLUMBUS, OHIO, February 24, 1934.

HON. LEO M. WINGET, *Prosecuting Attorney, Sidney, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication, which reads as follows:

“Shortly after the presidential proclamation of November 9th, 1933, Shelby County and the City of Sidney which prior to that time had been separate units in affording poor relief throughout the county, joined and thereafter have been operating as a single unit in affording poor relief to the citizens of Sidney and Shelby County.

Under the provisions of Sec. 7 of Amended Senate Bill No. 4 as amended in Amended Senate Bill No. 63 as amended in House Bill No. 7, can the proceeds of No. 7 bonds which has been raised as a direct taxation against a county (City of Sidney not included) be used to pay joint obligations incurred by the City of Sidney and Shelby County operating under a single unit or must the proceeds of these No. 7 bonds which have been raised as direct taxation against the county only be used for poor relief through the county exclusive of the City of Sidney.

Your opinion on the above at your earliest convenience will be appreciated.”

In affording poor relief from funds raised from taxes levied by the state or its subdivisions, such subdivisions must be governed by the laws of this state rather than any presidential proclamation. I know of no statutory authority whereby obligations incurred in the affording of poor relief may be the joint obligations of a county and city. I assume that you mean that your county has taken advantage of the provisions of section 9 of Amended Senate Bill No. 4 of the first special session of the 89th General Assembly, as amended by Senate Bill No. 63 of the 90th General Assembly, and has been affording work relief and direct relief to residents of the City of Sidney, and

that your inquiry is as to whether obligations incurred in affording such relief may be paid out of proceeds of bonds issued by the county 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. This section reads in part as follows:

“Whenever in the years 1932, 1933 or 1934, the state relief commission finds that any county has issued all the bonds which it is authorized to issue under the provisions of section 3 of this act, and that all the funds derived therefrom have been expended for poor relief or definitely allocated for necessary poor relief expenditures in the budget approved under the provisions of section 9 of this act, and that additional funds are necessary for poor relief prior to March 1, 1935, and the tax commission finds that no other means exist to provide such funds except by the issue of bonds, the county commissioners of any county or the council or other legislative body of any city may provide by resolution for the issue of the bonds of such county or city in an amount not exceeding in the aggregate one-tenth of one percent of the general tax list and duplicate of such county or city.”

In the issuance of these bonds by a county, such county must make provision for the levy and collection of taxes sufficient to pay the interest on and to retire said bonds at maturity. Section 11 of Article XII of the Ohio Constitution; sections 2293-26, 2293-36 and 5625-3, General Code. These taxes are levied upon all the real and personal property listed on the general tax lists and duplicates of the county and would, of course, include all such property within the county whether located within or without a municipality.

Section 8 of said Amended Senate Bill No. 4, as amended by said Senate Bill No. 63, provides that the proceeds of bonds issued under section 3 or section 7 of the Act by any county shall be placed in a special fund to be called the “emergency relief fund.” Section 7 provides that for the purposes of said section poor relief in case of a county shall include, among other things, “the furnishing of direct and work relief by the county commissioners under the provisions of section 9 of this act.”

Section 9 reads in part as follows:

“No disbursement of any part of the emergency relief fund shall be made by the county commissioners or the council or other legislative body of any city of any county until the budget of such county or city for relief expenditures has been approved by the state relief commission. At any time after such approval and in accordance therewith and prior to the first day of March, 1935, the county commissioners of any county shall, from time to time, distribute such portion of said fund to any or all of the cities (whether charter cities or otherwise) and townships of such county, according to their relative needs for poor relief as determined by such county and as set out in such approved budget; such moneys so distributed to any city or township shall be expended for poor relief in such city or township, including the renting of land and the purchase of seeds for gardening for the unemployed, and for no other purpose.

At any time prior to the first day of March, ***1935, the county commissioners of any county may, when authorized by the state relief commission expend any part of the emergency relief or the county poor relief excise fund of such county for furnishing work relief and direct relief as defined in this act, to any or all persons in such county who are in a condition requiring it, anything in sections 3476 to 3496, both inclusive, of the General Code, to the contrary notwithstanding."

Since the proceeds of such bonds are paid into the emergency relief fund, both section 7 and section 9 of the Act expressly provide for the use of any part of such proceeds when authorized by the state relief commission for furnishing direct and work relief to any or all persons in a county who are in a position requiring it.

Therefore, I am of the opinion that at any time prior to the first day of March, 1935, the commissioners of a county may, when authorized by the state relief commission, expend any part of the proceeds of bonds issued by such county under the provisions of section 7 of Amended Senate Bill No. 4 of the first special session of the 89th General Assembly, as amended by Senate Bill No. 63 of the 90th General Assembly, and House Bill No. 7 of the first special session of the 90th General Assembly, for furnishing direct or work relief to persons resident of a city within such county who are in a condition requiring it.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2316.

INSANE PERSON—COMMITMENT TO STATE HOSPITAL FROM
COUNTY WHEREIN TEMPORARILY RESIDING — EXPENSES
CHARGED AGAINST COUNTY OF LEGAL SETTLEMENT.

SYLLABUS

By virtue of Section 1950-1, General Code, the Probate Court of a county in which an insane person is temporarily residing may commit such person to a state institution for the insane, but the probate court fees incident to commitment and the expenses of clothing and incidentals furnished such patient at the state hospital for the insane to which such person is committed, should be charged against the county of their legal settlement.

COLUMBUS, OHIO, February 26, 1934.

HON. J. S. HARE, *Prosecuting Attorney, New Philadelphia, Ohio.*

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

"I would like to have your opinion relative to the following:

Ruth Mowls, an alleged insane person, was brought before the Probate Court on a lunacy inquest on January 17th, 1934. It developed during the examination that this woman was living with her husband at