

to be transferred are more likely seeking transfer to such exempted village or city school district, as the case may be, in order to have better educational advantages in the way of better teachers, better buildings and accommodations, all of which have been provided by the village school district at considerable expense to itself, following which there might be an unpaid debt or an increased tax rate. * * then it is only fair they should pay their equal share of the cost of such added advantages, for that, in the final analysis, is usually the reason that transfer to an exempted village school district has been sought."

Specifically answering your questions it is my opinion:

When a transfer has been completed of the territory of Madison Township School District of Butler County School District, having an established school tax rate of 3.3 mills, to the Carlisle School District within the Warren County School District, having an established school tax rate of 4.2 mills, that, said two school tax rates established and levied for the year 1936, must be collected, separately; that, the Treasurer of Butler County must continue collecting the school tax rate of 3.3 mills for the year 1936, from the taxpayers of the Madison Township School District; that the Treasurer of Warren County must continue collecting the school tax rate of 4.2 mills for the year 1936, from the taxpayers of the Carlisle School District; that, the Treasurer of Butler County should at the tax distribution period for each respective half year of 1936, forward to the Carlisle School District the amount due to the Madison Township School District; and that, for the year 1937, and annually thereafter, the same school tax rate must be established and levied upon all the school territory included in the enlarged Carlisle School District.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

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RELIEF—FEDERAL MONEY UNEXPENDED—IDENTITY RETAINED—WHEN—ACCOUNTING.

SYLLABUS:

Unexpended Federal moneys given the State of Ohio by the Federal Emergency Relief Administration for the purpose of aiding and meeting

the costs of furnishing relief and work relief within the State, which have not been comingled with other moneys, retain their identity as Federal moneys after allocation to the several counties in the State and must be accounted for as such.

COLUMBUS, OHIO, April 19, 1937.

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

GENTLEMEN: Your communication of recent date has been received, which reads as follows:

“During the time the Federal Government was contributing money to the State of Ohio for the relief of the poor, such money came to the Governor of Ohio who distributed same to the various counties in the state under direction of the State Relief Commission.

In some counties, when the relief load was placed back upon the state, there were certain moneys in the county treasuries which had not been expended for poor relief purposes, and the question is now raised as to whether such moneys should be returned to the State Relief Commission to be credited to the Federal Government in closing up the activities of the old State Relief Commission.

The exact question, as we understand it is: Does the Federal money, sent to the State of Ohio for the relief of the poor, retain its character as Federal money after it was distributed by the Governor under direction of the State Relief Commission to the various counties of the state; or, does it become money of the county.”

The proper consideration of the question involved entails an analysis of the authority of the Federal government to give a so-called grant to an individual State. The grant, so-called, can only be made in accordance with Federal law and is naturally limited to that authority.

With reference to the Federal Emergency Relief Act of 1933 which declared an emergency and allocated certain funds of the Reconstruction Finance Corporation to the Federal Emergency Relief Administration, Section 724 thereof reads in part as follows:

“(a) Out of the funds of the Reconstruction Finance Corporation made available by this chapter, the administrator is authorized to make grants to the several States to aid in meeting the costs of furnishing relief and work relief and in

relieving the hardship and suffering caused by unemployment in the form of money, service, materials, and/or commodities to provide the necessities of life to persons in need as a result of the present emergency, and/or to their dependents, whether resident, transient, or homeless.”

Clearly, the purpose of the act was to make grants to the several states in accordance with their needs and for the specific purpose, “to aid in meeting the costs of furnishing relief and work relief and in relieving the hardship and suffering caused by unemployment, in the form of money.”

Your request does not state whether the amount of the grant from the Federal government to the State of Ohio was commingled with money of the State of Ohio before allocation or distribution to the counties but I am presuming from your request that this money received from the Federal government was allocated to individual counties and that an accurate accounting thereof has been maintained for the reason that you state that the question arises as to whether such moneys should be returned to the State Relief Commission to be credited to the Federal government.

On March 16, 1933 the so-called Stillman Fund was created in Ohio, at which time accounts payable for relief were forwarded to the State Director and paid by direct warrant from Federal moneys. I am presuming that the unexpended balances referred to in your request are balances from Federal money received under Section 724 of the Federal Emergency Relief Act of 1933 and allocated to the individual counties within the State of Ohio. Inasmuch as the only authority for sending the Federal money into the State of Ohio was for the purpose of aiding in meeting the costs of furnishing relief and there now exists a balance unexpended for that purpose in various counties within the State, such balances retain their character as Federal money and the relief commission of the State of Ohio and the county officials in any county involved, who have administered said moneys, have acted only as agents of the Federal government.

It is, therefore, my opinion that the Federal money sent to the State of Ohio for the relief of the poor, and as yet unexpended for that purpose, retains its character as Federal money and does not become money belonging to the county in question.

Respectfully,

HERBERT S. DUFFY,
Attorney General.