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AGRICULTURAL SOCIETY, COUNTY OR INDEPENDENT—
MONEYS RECEIVED UNDER §3769.082(A) R.C.—SUCH FUNDS
CANNOT BE USED TO MEET DEBTS INCURRED IN OPERA-
TIONS FOR PRIOR YEARS.

SYLLABUS:

Moneys received by a county agricultural society or independent agricultural society under the provisions of Section 3769.082 (A), Revised Code, may not be used to pay debts incurred in operations in years prior to that in which the actual distribution of such moneys is made.

Columbus, Ohio, May 16, 1958

Hon. Tom Richards, Prosecuting Attorney
Carroll County, Carrollton, Ohio

Dear Sir:

I have before me your request for my opinion which reads as follows:

"In October 1957 following the holding of the Carroll County Fair, our Fair Board borrowed \$2,000.00 on an unsecured promissory note at a local bank to pay the deficit arising from the operation of the 1957 Fair due to inclement weather.

"Enclosed with letter of the Ohio Director of Agriculture dated March 1, 1958, our Fair Board has received a warrant from the Ohio Auditor of State representing the Carroll County Fair Board's distribution of the "Ohio Fairs Fund" under the provisions of Section 3769.082 of the Revised Code. The letter from the Director of Agriculture states that we have received:

- A. \$1,954.85 for general operations
- B. \$1,954.85 purse money for horse racing
- C. \$ 391.06 for expenses in conducting horse racing
- D. \$1,563.90 for conducting colt stakes

"The Carroll County Agricultural Society now desires to know whether they can expend any or all of the \$1,954.85 received under (A) above for general operations to apply upon the note given to pay the 1957 general operations deficit."

Section 3769.082, Revised Code, to which you refer, reads in pertinent part:

"There is hereby created in the State Treasury a fund to be known as the 'Ohio fairs fund.' Moneys to the credit of the 'Ohio fairs fund' shall be distributed by the auditor of state on order of the director of agriculture annually on or before the first day of March, beginning with the year 1958 as follows:

(A) To each county agricultural society and to each independent agricultural society conducting an annual fair, the sum of two thousand five hundred dollars annually to be used in the general operations of such fairs including, but not limited to, junior club work, public school displays, livestock premiums, and agricultural improvements.

* * *

(D) In the event that the moneys available on the first day of March of any year, beginning with the year 1958, shall be less

that that required to carry out the provisions of paragraph (A), (B), and (C) herein, the moneys so available in said "Ohio fairs fund" shall be pro-rated equally to the items set forth in said paragraphs (A), (B), and (C). In the event that the moneys available on the first day of March of any year beginning with the year 1958, shall be in excess of that required to carry out the provisions of paragraphs (A), (B), and (C) herein, such excess shall be distributed equally to these county agricultural societies conducting colt stakes under the provisions of paragraph (C) herein."

The intent of the legislature in enacting this section was certainly to promote and encourage the county fair programs throughout Ohio. Division (A) enumerates some of the uses to which the receipts of the funds may be put, all of which are expected to create more interest in the county fairs.

It will be noted, however, that Division (D) refers to "the moneys available on the first day of March of any year." An inference can be drawn from this clause that the moneys are to be used only for the general operating expenses of the current year. This inference is further strengthened by Sections 1711.15 and 1711.18, Revised Code, which authorize the county commissioners to pay the debts of duly organized county agricultural societies.

Section 1711.15, Revised Code, provides in part:

"In counties in which there is a county agricultural society which has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs or in which the title to such site is vested in fee in the county, the board may erect or repair buildings or otherwise improve such site and pay the rental thereof, *or contribute to or pay any other form of indebtedness of said society*, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws, rules, and regulations governing the operation of county agricultural societies. The board may appropriate from the general fund such an amount as it deems necessary for any of said purposes."

It is provided in Section 1711.18, Revised Code:

"In a county in which there is a county agricultural society indebted fifteen thousand dollars or more, and such society has purchased a fairground or title to such fairground is vested in fee in the county, the board of county commissioners, upon the presentation of a petition signed by not less than five hundred

resident electors of the county praying for the submission to the electors of the county of the question whether or not county bonds shall be issued and sold to liquidate such indebtedness, shall, by resolution within ten days thereafter, fix a date, which shall be within thirty days, upon which the question of issuing and selling such bonds, in the necessary amount and denomination, shall be submitted to the electors of the county.”

It can be seen from an examination of Section 1711.15 and 1711.18, *supra*, that special provision is made for the payment of debts of the county agricultural societies incurred in years prior to the distribution of funds from the Ohio fairs fund in any given year, and this suggests that the subsidies provided by the state should not be used for this purpose.

Therefore it is my opinion that moneys received by a county agricultural society or independant agricultural society under the provisions of Section 3769.082 (A), Revised Code, may not be used to pay debts incurred in operations in years prior to that in which the actual distribution of such moneys is made.

Respectfully,
WILLIAM SAXBE
Attorney General