

of the form of registration cards, blanks and records. The benefits arising from the use of uniform forms throughout the state are manifest. Although the Legislature used the word "recommend", which word, standing alone, is of limited effect, I am clearly of the view that it is within the authority touched upon in the first part of this opinion, to provide in the rules and regulations the form of registration cards, blanks and records. This same sentence of the section provides that the Secretary of State shall determine \* \* \* the forms of all blanks."

Specifically answering your second question, it is my opinion that the form of registration cards, blanks and records should be provided by the Secretary of State in the rules, regulations and instructions for the conduct of elections which the Secretary of State is authorized and directed to prepare under the provisions of Section 4785-7, General Code.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

1424.

INDEPENDENT AGRICULTURAL SOCIETY—MEMBERS RESIDING IN MORE THAN ONE COUNTY—CONTRIBUTIONS FROM COUNTIES FOR JUNIOR CLUB WORK—APPROPRIATIONS BY COUNTY COMMISSIONERS UNDER SECTION 9894, GENERAL CODE—APPORTIONING SUMS AMONG COUNTIES ILLEGAL.

*SYLLABUS:*

1. *An independent agricultural society organized under the provisions of Section 9880-1 of the General Code, consisting of members residing in more than one county, is entitled to receive contributions from any county in which such society expends not less than one hundred dollars in carrying on junior club work as provided in Section 9880-2. When such work is carried on, each county shall pay the sums therein referred to and there is no provision for apportioning said sums among the counties.*
2. *When such an independent society is properly organized, the county commissioners in a county in which said society holds fairs may contribute to said society in accordance with the provisions of Section 9894 of the General Code. However, there is no provision made for the apportioning of said sums among other counties.*

COLUMBUS, OHIO, January 16, 1930.

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

GENTLEMEN:—You have requested my opinion on the following:

"Section 9880-1 of the General Code provides for the establishment of independent agricultural societies and for the payment to such societies by the county of certain sums designated therein. It further provides that if the fair board be residents of more than one county, the auditors of such counties shall draw orders on their respective treasuries for the proportionate share of the sum of \$800.00 to be divided according to population of the counties according to the last federal census.

Section 9880-2 of the General Code provides for the payment to any fair organization, either county or independent, of the amount expended in junior club work, not less than \$100.00 nor more than \$500.00, but does not provide for any division in case the society covers more than one county.

Section 9894 of the General Code provides that in any county wherein is located one or more agricultural societies as provided for in Section 9880-1, G. C., the county commissioners of said county may appropriate a sum not greater than the amount appropriated for the county society and pay the same to the treasurer of the independent society or societies.

Question: Is an independent agricultural society under the provisions of Section 9880-1, G. C., comprising more than one county, entitled to participate in the allowance made under the provisions of Sections 9880-2 and 9894 of the General Code and if so, how is the same to be apportioned between or among the counties represented?"

Section 9880-1 of the General Code provides for the organization of independent agricultural societies and provides that when an independent society holds an annual exhibition and complies with certain other statutory requirements, if the fair board be residents of one county the auditor shall draw an order on the treasurer for a sum equal to one hundred per cent of the amount paid in regular class premiums, et cetera. The last paragraph of said section which relates to independent societies in which the fair board are residents of more than one county, provides:

"If the fair board be residents of more than one county the auditor of such counties shall draw orders on their respective treasurers for the proportionate share of the sum of eight hundred dollars to be divided according to population of the counties according to the last federal census, but shall not exceed more than one hundred per cent of the amount paid in regular class premiums, and the treasurer or treasurers shall pay such order or orders from the county funds."

While the section last mentioned provides for the prorating of the eight hundred dollars referred to, it is not believed that the provisions relative thereto necessarily have any application to the payments of the money under Section 9880-2, which relates to contributions by the county to societies in connection with junior club work. Said Section 9880-2, General Code, provides:

"Upon the presentation of a certificate from the county commissioners certifying that any fair organization, either county or independent, that is then receiving state or county aid, has expended a definite and certain sum of money, such sum not being less than one hundred dollars, in the furtherance and carrying on of junior club work in the county, the county auditor annually shall draw an order on the treasurer of the county in favor of the said fair organization for an amount equal to the amount so expended in junior club work, provided said amount does not exceed five hundred dollars, and in case such amount exceeds five hundred dollars, then such order shall be for the amount of five hundred dollars. The treasurer of the county shall pay said order upon presentation thereof."

In analyzing the section last above quoted, it appears that if any fair organization, either county or independent, receive state or county aid and has expended not less than one hundred dollars "in the furtherance and carrying on of junior club work in the county," it is mandatory that the auditor shall draw an order in favor of the said fair organization for an amount equal to the amount so expended provided that said amount does not exceed five hundred dollars. This section clearly applies to both county societies and independent societies and makes no distinction as to whether said independent society is one in which the fair board are residents of one county or are residents of more than one. The basic thing required, apparently, is that they must expend money in the furtherance of junior club work in the county.

Under the section last above mentioned, clearly if the junior club work is carried on in the county, that county alone is required to make the payments to the organization mentioned therein, and there is no provision for the prorating of the same.

In a verbal conversation with a representative of your Bureau, it was suggested that probably such independent society would carry on junior club work in more than one county. If such a situation should exist, it is believed that if one hundred or more dollars are expended in connection with such work, the society would be entitled to receive the contribution from the county in which such junior club work is carried on. Obviously the results would be no different in view of this conclusion in so far as the drain upon the county treasury is concerned than it would be if there were an independent society in each county expending certain sums for junior club work. The prorating of the expenses such as are mentioned in Section 9880-1, General Code, has no relation to the expenditure of money for junior club work under Section 9880-2.

You further inquire whether independent societies comprising more than one county, are entitled to participate under the provisions of Section 9894, which at last enacted, 112 O. L. 85, provides :

“When a county or duly organized county agricultural society owns or holds under a lease real estate used as a site whereon to hold fairs and the county agricultural society therein has the control and management of such lands and buildings, for the purpose of encouraging agricultural fairs, the county commissioners shall, on the request of the agricultural society, annually appropriate from the general fund not to exceed the sum of two thousand dollars or less than fifteen hundred dollars for such purposes, and in any county wherein is located one or more independent agricultural society or societies as provided for in Section 9880-1 herein, the county commissioners of said county, for the purpose of encouraging such independent agricultural society or societies, may appropriate, in addition to the sum appropriated for the county agricultural society, a sum not greater than the amount appropriated for the county society. The appropriation made for said agricultural society or societies shall be paid by the treasurer of the county to the treasurer of the county society or independent society or societies upon an order from the county auditor duly issued therefor.”

Analyzing the section last mentioned, it will be noted that the former part thereof makes it mandatory that the county commissioners on the request of the agricultural society, appropriate not less than fifteen hundred nor more than two thousand dollars per annum when the conditions exist as set forth therein relative to holding real estate and conducting fairs, et cetera.

However, the latter part of the section relates to one or more independent agricultural societies “located in any county” which is organized under the provisions of Section 9880-1. This section provides that the county may appropriate, in addition to the sums appropriated for the county society, a sum not greater than the amount appropriated to the county society.

As pointed out in an opinion of my predecessor, Opinions of the Attorney General for 1927, page 1282, the latter portion of said section makes it discretionary with the county commissioners and it is not mandatory that they appropriate under such section to independent societies.

This section is somewhat distinguishable from Section 9880-2, in so far as your questions are concerned. In the former section provision is made for contributions by the county commissioners in those instances where junior club work is carried on in the county. Under the latter section authority is given to contribute to independent societies organized under Section 9880-1, located in any county. The question arises as to whether or not an independent agricultural society, having a fair board the

members of which are residents of more than one county, is located in any one county. In other words, it could be said that the location of the society may be distinguishable from the physical situs of its place of holding fairs. Therefore, it could be argued that it may hold a fair in one county and not be located within that county within the meaning of the section.

However, it is my view that in the use of the language used the Legislature has reference to such independent societies which conduct fairs in a county. Therefore, if such a society holds fairs in one county, it is my opinion that the commissioners may make a contribution under the provisions of Section 9894. Again, in connection with this contribution, there seems to be no relation with reference to the prorating of said sums which are to be paid, similar to that provided for prorating the sums to be paid under Section 9880-1 of the General Code.

Based upon the foregoing and in specific answer to your inquiry, it is my opinion that:

1. An independent agricultural society organized under the provisions of Section 9880-1 of the General Code, consisting of members residing in more than one county, is entitled to receive contributions from any county in which such society expends not less than one hundred dollars in carrying on junior club work as provided in Section 9880-2. When such work is carried on, each county shall pay the sums therein referred to and there is no provision for apportioning said sums among the counties.

2. When such an independent society is properly organized, the county commissioners in a county in which said society holds fairs may contribute to said society in accordance with the provisions of Section 9894 of the General Code. However, there is no provision made for the apportioning of said sums among other counties.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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1425.

APPROVAL, BONDS OF MIAMI TOWNSHIP RURAL SCHOOL DISTRICT,  
CLERMONT COUNTY—\$55,000.00.

COLUMBUS, OHIO, January 16, 1930.

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

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1426.

MUNICIPAL WATERWORKS—MAY REQUIRE THAT STATE AGENCY  
USING WATER COMPLY WITH REGULATIONS.

**SYLLABUS:**

*Where the state uses water furnished by the waterworks department of a municipality, such municipality may require the state to comply with the rules and regula-*