

Encumbrance Record No. 50 has been properly executed and approved and the same shows there is a sufficient balance in the proper appropriation account to pay the purchase price which is stated to be \$280.00. It likewise appears from a recital contained in the encumbrance record that the money necessary to pay the purchase price of the above described property has been released for the purpose by the Control Board. The taxes and assessments now a lien must be taken care of before the abstract can be approved.

The documents handed to me as first above enumerated are herewith returned.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4826.

TRUSTEES OF FIREMEN'S INDEMNITY FUND—HOW ELECTED.

SYLLABUS:

1. *The adoption in an act of the legislature of the whole or a portion of another act or statute by specific reference, adopts the law as existing at the time of the adoption and does not include subsequent amendments of the statute or act so adopted unless by express or strongly implied intent.*

2. *Where, however, the adopting statute makes no reference to any particular act or statute by its title or otherwise, but refers to the general law regulating the subject in hand, the reference will be regarded as including not only the law in force at the time of the adopting act but also the law in force when action is taken or proceedings are resorted to.*

3. *The personnel of a board of trustees of a firemen's indemnity fund, as authorized by Section 4647-2, General Code, and the manner of electing said board should be as provided in Sections 4601, 4602 and 4603, of the General Code, as those sections existed at the time of the enactment of Section 4647-2, of the General Code.*

COLUMBUS, OHIO, December 17, 1932.

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

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 4647-2 G. C., reads as follows:

‘In all municipalities coming within the provisions of this act, there shall be created a board of trustees to be known as “Trustees of Firemen’s Indemnity Fund,” which board shall consist of the director of public safety in municipalities having such officer, and the chief of the fire department in all other municipalities, who shall be the presiding officer of such board; and five other persons, members of the fire department, therein, who shall be elected and serve as provided in sections 4601, 4602, 4603, of the General Code herein. The board shall elect its secretary from any of its own members.’

At the time of the enactment of this section of the code, section 4601 provided for the election of five trustees from members of the fire

department. Sections 4601, 4602, 4603, together with Section 4600, were amended in 113 O. L. 62, and now provide for the election of six trustees, two from the city or village council, two from the fire department, one by the two members chosen by council and one by the two members chosen from the fire department.

In view of the conflict in these sections, will you kindly advise this department as to the proper legal procedure in the election of trustees of a Firemen's Indemnity Fund?"

It is a general rule of law that an act of the legislature which adopts by reference, the whole or part of another act of statute means the law as it existed at the time of the adoption and does not include subsequent additions or modifications of the statute so enacted unless it does so by express or strongly implied intent.

Where, however, the adopting statute makes no reference to any particular act by its title or otherwise, but refers to the general law regulating the subject in hand, the reference will be regarded as including not only the law in force at the date of the adopting act but also the law in force when action is taken or proceedings are resorted to. *Lewis' Sutherland Statutory Construction*, 2nd Ed., Sections 405, 406 and 407; *Culver vs. People*, 161 Ill. 89, 43 N. E. 812; *Calumet Foundry & Machine Company vs. Mvoz*, 137 N. E. 626; *State vs. Leich*, 166 Ind. 680, 78 N. E. 189; *Vallejo Railroad Company vs. Reed*, 177 Calif. 249, 170 Pac. 426; *Railroad Company vs. James*, 114 N. E. 833; *Matter of Main Street*, 98 N. Y. 454; *Knapp vs. Brooklyn*, 97 N. Y. 520; *Kendall vs. U. S.* 12 Peters 524; *Davison vs. Heinrich*, 172 N. E. 770; *Public Schools of City of Battle Creek vs. Kennedy*, 245 Mich. 585, 223 N. W. 359.

Applying this rule to the question before us, it is apparent that Section 4647-2, General Code, which is quoted in your letter of inquiry, relating to the matter of the election of trustees of a firemen's indemnity fund, adopts the procedure outlined for the election of trustees of a firemen's pension fund as set forth in Sections 4601, 4602 and 4603 of the General Code, by specific reference to those statutes, and clearly, under the rule, this reference does not include subsequent amendments to the statutes so adopted; nor is there any language in Section 4647-2 or other cognate sections from which an intent of the legislature might be implied that subsequent amendments of Sections 4601, 4602 and 4603, General Code, were adopted in the statutes.

I am therefore of the opinion, in specific answer to your question that the personnel of a board of trustees of a firemen's indemnity fund, and the manner of electing such board should be in accordance with Sections 4601, 4602 and 4603 of the General Code, as those sections existed at the time of the enactment of Section 4647-2, General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.