

OPINION NO. 70-048**Syllabus:**

The terms of Section 305.171, Revised Code, do not alter the duty of boards of county commissioners, under Section 3501.17, Revised Code, to arrange for the payment of the costs of insurance programs which may be initiated by boards of elections pursuant to the provisions of Section 3501.141, Revised Code.

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: Paul W. Brown, Attorney General, April 22, 1970

I have before me your request for my opinion regarding whether the terms of Section 305.171, Revised Code, preclude boards of county commissioners from paying the premium for hospitalization insurance for the employees of the boards of elections who are state and not county employees.

The terms of Section 305.171, Revised Code, are as follows:

"The board of county commissioners of any county may procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance or a combination of any of the foregoing types of insurance or coverage for county officers and employees and their immediate dependents from the funds or budgets from which said officers or employees are compensated for services, whether issued by an insurance company, a hospital service association, or a nonprofit medical care corporation duly authorized to do business in this state."

Taken alone, this law would authorize boards of county commissioners to pay premiums only for county officers and employees. However, the provisions of Section 3501.17, Revised Code, make it clear that the boards of county commissioners must pay for the necessary and proper expenses of boards of elections:

"The expenses of the board of elections shall be paid from the county treasury, in pursuance of appropriations by the board of county commissioners, in the same manner as other county expenses are paid. If the board of county commissioners fails to appropriate an amount sufficient to provide for the necessary and proper expenses of the board of elections, such board may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and such amount shall be appropriated.* * *"

The legislature has enacted recently Section 3501.141, Revised Code, permitting boards of elections to pay all or any part of the cost of certain group insurance plans covering the full-time employees of such boards and their immediate dependents:

"The board of elections of any county may procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance or a combination of any of the foregoing types of insurance or coverage for the full-time employees of such board and their immediate dependents, whether issued by an insurance company, a hospital service association, or a health or medical care corporation, duly authorized to do business in this state."

It is clear that the legislature, by the enactment of Section 3501.141, Revised Code, had made the payment of such group insurance premiums a proper expense of boards of elections. Thus, boards of county commissioners are under a duty to make appropriations for this expense, as well as the other necessary and proper expenses of boards of elections pursuant to the provisions of Section 3501.17, supra, even though said section does not specifically mention this type of expense.

The terms of Section 305.171, supra, make clear that boards

of county commissioners may incur similar expenses with respect to county officers and employees, but do not preclude the boards of county commissioners from performing their duties under Section 3501.17, supra. Rather, the two statutes involved can be construed in pari materia.

Therefore, it is my opinion and you are hereby advised that the terms of Section 305.171, Revised Code, do not alter the duty of boards of county commissioners, under Section 3501.17, Revised Code, to arrange for the payment of the costs of insurance programs which may be initiated by boards of elections pursuant to the provisions of Section 3501.141, Revised Code.