

Reference is made in the resolution authorizing the bonds to Section 2293-18, General Code, as being one of the sections under which the issue is authorized. This section provides as follows:

"If at the effective date of this act any of the limitations of sections 2293-14, 2293-15, 2293-16 or 2293-17 hereof are exceeded in any subdivision, such subdivision so long as such excess exists may in any calendar year issue bonds falling within the class covered by said limitations in an amount equal to a sum not exceeding nine-tenths of the amount by which the net indebtedness on bonds of such class has been reduced during the said calendar year; provided that the total bonds issued in any year under the provisions of this section shall in no case exceed an amount equal to amount of bonds which may be issued within said limitation."

It is obvious that, irrespective of the amount by which any class of indebtedness might have been reduced by the district in the calendar year, the amount of this issue exceeds the amount of bonds which may be issued within the one-tenth of one per cent limitation of Section 2293-15, supra.

I, accordingly, advise you not to purchase these bonds.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3604.

BLIND RELIEF—LEGAL SETTLEMENT—PERSON MUST BE A RESIDENT OF COUNTY FOR A YEAR TO SECURE SUCH RELIEF. SPECIFIC CASE.

SYLLABUS:

Residence of person for purpose of receiving blind relief discussed.

COLUMBUS, OHIO, September 26, 1931.

HON. EDGAR G. MARTIN, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication which reads:

"As Prosecuting Attorney of Huron County, I desire to present the following statement of facts before you.

M. K., aged twenty-one years, is totally blind and was a student at the State School for the Blind from 1920 to 1930. At the time he was placed there in 1920, his father and mother were living in Lorain County, Ohio. During the time that he was in school his father and mother separated and at the present time the residence of his mother is unknown; his father is a farm hand working in various places in this vicinity, being at present a resident of Huron County.

During each summer M. K. spent his various vacations from 1920 to 1930 with different relatives and friends, but in the summer of 1928

he spent his vacation with Mr. and Mrs. H. G., tenant farmers in Ashland County.

On January 14th, 1930, he left the school and made his residence with Mr. and Mrs. G. in Ashland County. At the same time, the county commissioners of Ashland County granted M. K. a blind pension which was paid promptly until April, 1931 by Ashland County.

In October, 1930, Mr. and Mrs. G. moved to a farm situated on the county line between Huron and Ashland counties, on the Huron County side.

In April, 1931, the pension was paid by the Ashland County authorities, but they have refused to make the payment due July 1st, claiming that he was not a resident at that time, of Ashland County and that the pension should not have been granted.

I am therefore writing you and asking the following questions:

First: If the pension was granted by Ashland County, would the temporary removal from that county discharge him from the benefits of this pension?

Second: What county, if not Ashland County, should be charged and should provide him with the blind pension?"

Section 2966, General Code, reads as follows:

"In order to receive relief under these provisions a needy blind person must become blind while a resident of this state, and shall be a resident of the county for one year."

Section 2967, General Code, which is pertinent to your inquiry, reads in part as follows:

"At least ten days prior to action on any claim for relief hereunder, the person claiming shall file with the board of county commissioners a duly certified statement of the facts bringing him within these provisions. The list of claims shall be filed in a book kept for that purpose in the order of filing, which record shall be open to the public. No certificate for qualification of drawing money hereunder shall be granted until the board of county commissioners shall be satisfied by a certificate from a registered physician stating the extent to which the applicant's vision is impaired, and giving his opinion as to the possibility of correcting the impairment by proper procedure; and from the evidence of at least two reputable residents of the county that they know the applicant to be blind and that he has the residential qualifications to entitle him to and that he is in need of the relief asked. Such evidence shall be in writing, subscribed to by such witnesses, and be subject to the right of cross-examination by the board of county commissioners or other person. If the board of county commissioners be satisfied that the applicant is entitled to relief hereunder, such board shall issue an order therefor in such sum as said board finds needed, not to exceed four hundred dollars per annum, to be paid quarterly from the funds herein provided, and such relief shall be in place of all other relief of a public nature; * * *"

Having assumed for the purpose of this opinion, that proper residential requirements were found by the commissioners of Ashland County to be present before the granting of such relief, the question is then presented as to whether or not M. K. was able, in the instant situation, to change his legal residence under the blind relief laws, from Ashland County so as to charge Huron County with the cost of his support.

Section 2966, General Code, above quoted, contains the provision that in order to obtain blind relief, a person must be a resident of a county for one year.

It has been held in several opinions of the Attorney General that the term "resident of the county" in this section has the same significance as the term "legal settlement" in the statute (3477 G. C.) relating to the general administration of poor relief, which reads:

"Each person shall be considered to have obtained a legal settlement in any county in this state in which he or she has continuously resided and supported himself or herself for twelve consecutive months, without relief under the provisions of law for the relief of the poor, or relief from any charitable organization or other benevolent association which investigates and keeps a record of facts relating to persons who receive or apply for relief."

Opinions of the Attorney General, 1915, page 1432;

Opinions of the Attorney General, 1917, page 50;

Opinions of the Attorney General, 1919, page 53.

The latter of these opinions is, I believe dispositive in principle of your inquiry. The syllabus of that opinion reads:

"In order to acquire the residential qualifications essential to an award of blind relief, the applicant must have resided and supported himself within the county for twelve consecutive months without relief under the laws providing for relief of the poor.

"A person removing from one county to another, but continuing to receive blind relief from the county of his former abode, does not acquire the residential qualifications entitling him to receive blind relief from the latter county."

Since, in the instant case, it appears that M. K. has within the last year received aid from Ashland County, he would be unable to establish a residence for the purpose of receiving a blind pension in Huron County, and I am, therefore, of the opinion that Ashland County is chargeable with and should provide aid for such blind person.

In view of the conclusion herein, it is unnecessary to consider your second question.

Respectfully,

GILBERT BETTMAN,

Attorney General.