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COUNTY AGRICULTURAL SOCIETY—DIRECTOR OF AGRICULTURE MUST ISSUE CERTIFICATE UNDER SECTION 9884 G. C. TO RELEASE FUNDS UNDER SECTIONS 9880-2, 9887 AND 9894 G. C.—IF CERTIFICATE NOT ISSUED, COUNTY AUDITOR HAS NO RIGHT TO DRAW WARRANT ON COUNTY TREASURER FOR COUNTY FUNDS.

SYLLABUS:

1. *A county agricultural society is not entitled to receive funds from the county treasury under the provisions of Sections 9880-2, 9887 and 9894 of the General Code without first securing from the Director of Agriculture a certificate as provided by Section 9884 of the General Code.*

2. *If the certificate from the Department of Agriculture referred to in Section 9884 of the General Code is withheld from a county agricultural society by the Director of Agriculture, the auditor of the county wherein such society is located does not have the right to draw his warrant on the county treasurer in favor of said agricultural society for county funds.*

COLUMBUS, OHIO, April 5, 1939.

HON. JOHN T. BROWN, *Director of Agriculture, State Office Building, Columbus, Ohio.*

DEAR SIR: Your recent request for my opinion reads as follows:

"I respectfully request that you render a written opinion on the following questions:

1. Is a county agricultural society entitled to receive funds from the county treasurer under the provisions of Sections 9880-2, 9887 and 9894 of the General Code without first securing from the Director of Agriculture a certificate as provided by Section 9884 of the General Code?

2. If the certificate referred to in Section 9884 of the General Code is withheld from a county agricultural society by the Director of Agriculture, does the auditor of the county wherein such society is located have the right to draw his warrant on the county treasurer in favor of said county agricultural society for county funds?"

Section 9884 of the General Code provides:

"County societies shall publish annually an abstract of the treasurer's account, in a newspaper of the county, and make a report of their proceedings during the year. Also make a synopsis of the awards for improvement in agriculture and household manufactures which shall be made in accordance with the rules and regulations of the state board of agriculture, and be forwarded to the secretary of agriculture on or before the first Thursday after the second Monday in January of each year. No subsequent payment shall be made from the county treasury unless a certificate be presented to the county auditor, from the secretary of agriculture showing that such reports have been made."

It should be mentioned in passing that by virtue of Section 154-42 of the General Code, all of the powers and duties of the Secretary of

Agriculture and Board of Agriculture are now vested in and imposed upon the Department of Agriculture.

Section 9884, *supra*, places upon the county agricultural society the definite duty of rendering annual reports to the State Department of Agriculture. This section further provides that unless these reports are made and a certificate to that effect is issued by the State Department of Agriculture no subsequent payments shall be made to the society from the county treasury. That the society shall receive certain aid from the county is provided for in Sections 9880-2, 9887, and 9894 of the General Code. 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.”

Section 9887, General Code, provides in part as follows:

“In counties wherein there is a county agricultural society which has purchased, or leased, real estate for a term of not less than twenty years, a site whereon to hold fairs or where the title to such site is vested in fee in the county, the county commissioners, if they think it is for the best interest of the county, and society, 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. The commissioners are authorized to appropriate from the general fund such an amount as they deem necessary for any of said purposes. * * *”

Section 9894, General Code, provides in part as follows:

“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 com-

missioners 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, * * *.

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."

The first question presented by you was discussed in the 1920 Opinions of the Attorney General at page 61. The second and third propositions of the syllabus are as follows:

"2. Section 9884 G. C. requires the notices provided for therein to be filed with the secretary of the board of agriculture on or before the first Tuesday after the second Monday in January of each year, and the county treasurer is unauthorized to pay any fund to said county society until the secretary of the board of agriculture has certified to the county auditor that said reports have been made. 'Subsequent payment' as used in this section relates to all payments to be made by the county treasurer to a county society after the expiration of the date fixed in said section, on or before which the reports mentioned therein shall be made.

3. Section 9884-4 G. C. does not authorize the state board of agriculture to withhold any funds appropriated by the county from a county society. However, the county treasurer is unauthorized to make any payments to a county society until the certificate of the secretary of the board relative to the proper notices being filed is presented to the county auditor as provided in section 9884."

On pages 63 and 64 of the 1920 Opinions of the Attorney General, *supra*, we find the following language used:

"On the other hand, in so far as the county appropriations are concerned, the certification (certification for per capita tax as set forth in Section 9880 of the General Code) is not required, and it shall be the duty of the county treasurer to pay the appropriation of the county to said county society upon the order of the county auditor, provided that the secretary of the state board of agriculture has issued his certification to the county auditor to the effect that said society has made the proper reports as provided in section 9884." (Parenthetical matter the writer's.)

It is a fundamental principle of statutory construction that whenever possible the intention of the Legislature should be ascertained and followed. In the instant situation the legislative history of the pertinent sections of the General Code is significant. It appears that although the sections of the General Code above quoted were passed at different times, the Legislature has indicated the definite intent that the pertinent sections of the General Code should be construed together. In House Bill No. 474, found in 108 O. L. Pt. 1, Page 381, et seq., the Legislature in amending certain sections of the General Code, included therein Sections 9884 and 9894, supra, indicating that those sections should be construed together. Furthermore, at the time of the enactment of House Bill No. 474, supra, Section 9887 of the General Code was in full force and effect and had been for many years. The recognition and full knowledge of this fact on the part of the Legislature must be presumed. A discussion of this principle is found in 37 O. J., page 594, wherein it is stated:

“The General Assembly in enacting a statute is assumed or presumed to have legislated with full knowledge and in the light of all statutory provisions concerning the subject matter of the act because the legislative mind in the enactment of a statute is directed to what has been enacted and exists as a part of the statutory law of the state on the same subject or subjects related to it.”

This same principle must likewise be applied to the enactment of Section 9880-2, supra, which first became a part of the law in 1925. The Legislature must be presumed to have had knowledge of the existence of Section 9884, supra, and the other related sections. Therefore, since no exception is found in Section 9880-2, supra, placing that section outside the scope of the operation of Section 9884, supra, under the general rules of statutory construction, Section 9880-2, supra, must be considered in *pari materia* with the other pertinent sections.

In Vol. II of Sutherland on Statutory Construction, Second Edition, Section 443 at page 845, we find the following language:

“Statutes which are not inconsistent with one another and which relate to the subject matter are in *pari materia* and should be construed together and effect should be given to them all although they contain no reference to one another and were passed at different times.”

It must be constantly born in mind that the organization of county agricultural societies is authorized for the purpose of advancing the interests of agriculture. The Legislature deemed it advisable to have the agricultural societies and the State Department of Agriculture working

in close conjunction under at least the partial supervision and control of the state department. In furtherance of this object, the Legislature provided that certain annual reports be made to the state department. To further give effect to this intention, it was provided that if these reports were not made by the date provided for in the law, no subsequent payments should be made to the agricultural society from the county treasury. To allow these payments to be made without compliance with Section 9884, supra, would tend to a great extent to defeat the purpose and intention of the Legislature.

Consequently, it is my opinion that a county agricultural society is not entitled to receive the county funds authorized in Sections 9880-2, 9887 and 9894 of the General Code without first securing from the Director of Agriculture a certificate as provided by Section 9884 of the General Code.

Your second inquiry appears to be answered by the terms of Section 9884, supra. It will be noted that said section provides that, "No subsequent payment shall be made from the county treasury unless a certificate be presented to the county auditor from the secretary of agriculture showing that such reports have been made." From the above it is obvious that if said certificate is not presented to him, the county auditor is without authority to draw his warrant on the county treasurer in favor of the county agricultural society.

Therefore, in specific answer to your inquiries, I am of the opinion that: (1) A county agricultural society is not entitled to receive funds from the county treasury under the provisions of Sections 9880-2, 9887 and 9894 of the General Code without first securing from the Director of Agriculture a certificate as provided by Section 9884 of the General Code; (2) If the certificate from the Department of Agriculture referred to in Section 9884 of the General Code is withheld from a county agricultural society by the Director of Agriculture, the auditor of the county wherein such society is located does not have the right to draw his warrant on the county treasurer in favor of said agricultural society for county funds.

Respectfully,

THOMAS J. HERBERT,
Attorney General.