

653.

DISAPPROVAL, BONDS OF COLLEGE CORNER VILLAGE SCHOOL DISTRICT, PREBLE COUNTY—\$23,000.00.

COLUMBUS, OHIO, June 21, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of College Corner Village School District, Preble county, \$23,000.00.

GENTLEMEN:—Upon an examination of the above bond issue I find the following defects:

1. The resolution to issue bonds after submission to the electors was adopted November 15, 1926. In said resolution the date of maturity of the first bond is fixed as of October 1, 1927. Your attention is called to Section 2295-12, General Code, which provides that if the bonds are issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the fifteenth day of July next following the passage of the ordinance or resolution authorizing such bonds.

In view of the fact that the bonds are not in conformity with the statute the bond issue will have to be rejected at this time. I might point out that this defect could be cured by amending the bond resolution to comply with Section 2295-12, General Code, and readvertising and reselling said bonds.

In the event the amendment is made as above pointed out, I might suggest that the transcript should also contain:

- a. A certificate of the county auditor showing the receipt of the bond resolution and stating the fiscal year for which the first taxes for principal and interest will appear in the tax duplicate.
- b. A tabulation of bids received for said bond issue.

For the foregoing reasons you are advised not to accept the above bond issue.

Respectfully,
EDWARD C. TURNER,
Attorney General.

654.

INDIGENT PERSON—PAYMENT OF SURGICAL AND HOSPITAL EXPENSE WHEN INJURED—SECTION 2554, GENERAL CODE, DISCUSSED.

SYLLABUS:

1. *Where an indigent person who is a non-resident of the state of Ohio is permanently disabled by the loss of both lower limbs or other serious injury and is removed to a hospital for necessary treatment, it is the duty of the county in which such injury was sustained to extend the necessary relief, including the payment of the necessary medical and surgical attendance, hospital expenses, etc.*

2. *While the power and duty to determine whether or not a person is a proper subject for public relief by the county is by Section 2554, General Code, exclusively vested in the superintendent of the county home, where a non-resident is permanently*

disabled by the loss of both lower limbs or other serious injury, and is removed to a hospital for treatment, it is unnecessary that the superintendent of the county home determine that the person injured is a proper person for the extension of public relief by the county prior to the incurring of the necessary medical and surgical attention and hospital expenses.

COLUMBUS, OHIO, June 22, 1927.

HON. EARL D. PARKER, *Prosecuting Attorney, Waverly, Ohio.*

DEAR SIR:—I am in receipt of your communication in which you request my opinion as follows:

“A person, whose residence is in the state of Tennessee, is permanently disabled by the loss of both lower limbs in our county, and is removed to a hospital in Scioto county.

This party was hurt while riding on a freight train, and was, therefore, a trespasser upon the property of the railroad company.

Is Pike county liable for hospital expenses, surgery bill, etc.?”

It is probably unnecessary to point out that the injured person above referred to would himself be responsible for his hospital bill, for I assume, although you do not expressly so state, that the man was without funds and unable to meet the expenses necessary for his treatment and other hospital expenses, and was therefore a proper subject for public relief.

The substantial legal question before us is by whom such relief should be furnished whether by the county, the municipality or the township in which he received his injury. Section 3476 of the General Code reads as follows:

“Subject to the conditions, provisions and limitations herein, the trustees of each township or the proper officers of each city therein, respectively, shall afford at the expense of such township or municipal corporation public support or relief to all persons therein who are in condition requiring it. It is the intent of this act (G. C. Secs. 3476 et seq.) that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in Sections 3477 and 3479. Relief to be granted by the county shall be given to those persons who do not have the necessary residence requirements, and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such they cannot be satisfactorily cared for except at the county infirmary or under county control. When a city is located within one or more townships, such temporary relief shall be given only by the proper municipal officers, and in such cases the jurisdiction of the township trustees shall be limited to persons who reside outside of such a city.”

Section 3477 provides in part that:

“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, subject to the following exceptions: * * *”,

and Section 3479 reads as follows:

"A person having a legal settlement in any county in the state shall be considered as having a legal settlement in the township, or municipal corporation therein, in which he has last resided continuously and supported himself for three consecutive months without relief, under the provisions of law for the relief of the poor. When a person has for a period of more than one year not secured a legal settlement in any county, township or city in the state, he shall be deemed to have a legal settlement in the county, township or city where he last has such settlement."

From the provisions of the foregoing statutes it will be noted that it is the duty of townships and cities, to furnish relief to all residents of the state, county, township or city under Section 3477 and 3479, *supra*, who need *temporary* relief and to all such residents who permanently need *partial* relief, while it is the duty of the county to furnish relief to persons who do not have the necessary residence requirements prescribed by Sections 3477 and 3479, *supra*, to persons who are permanently disabled, to persons who have become paupers, and to other persons whose peculiar condition is such that they cannot be satisfactorily cared for except at the county infirmary or under county control.

In Opinion No. 562, rendered by this department on June 2, 1927, it was said, after quoting the provisions of Section 3476, 3477 and 3479 of the General Code:

"An examination of the various sections of the General Code relating to the indigent poor convinces me that it was the intention of the legislature to relieve townships and municipalities of any obligation to extend relief to or support persons coming within the four classes above described for whom it is the duty of the county to provide."

In connection with the above, your attention is directed to the fact that this department has repeatedly held that the power and duty to determine whether or not a person should become a county charge is by Section 2554, General Code, exclusively vested in the superintendent of the county home. See Opinion No. 562 rendered by this department, as above stated, under date of June 2, 1927, citing Opinions, Attorney General, 1915, Vol. I, p. 358; 1918, Vol. I, p. 54; 1919, Vol. I, p. 965, and Opinion No. 509 rendered under date of May 19, 1927.

It is my opinion, however, that the law does not go so far as to require that before necessary medical treatment and hospital services be rendered in an emergency case like the one under consideration, the superintendent of the county home must determine that the person injured requires public relief. To so hold would have the effect of completely denying public relief in cases like the one referred to in your letter, for if the extension of medical and surgical aid and other necessary assistance were not to be granted in cases of serious injury and other emergencies unless and until the superintendent of the county home could be found and his decision obtained, in many cases the patient would die while awaiting official action. It must be remembered that, as stated in the opinion of the Attorney General reported in Opinions, Attorney General, 1919, Vol. I, p. 965, "the poor laws of the state should be liberally construed so as to accomplish the object and purpose of the enactment, and should not, excepting only when clearly and imperatively so required by their own language, be so construed as to exclude from their protection an indigent poor person who is in a condition requiring public support and relief."

In answer to your inquiry, and for the reasons stated above, it is my opinion that:

1. Where an indigent person who is a non-resident of the state of Ohio is permanently disabled by the loss of both lower limbs or other serious injury and is removed to a hospital for necessary treatment, it is the duty of the county in

which such injury was sustained to extend the necessary relief, including the payment of the necessary medical and surgical attendance, hospital expenses, etc.

2. While the power and duty to determine whether or not a person is a proper subject for public relief by the county is, by Section 2554, General Code, exclusively vested in the superintendent of the county home, where a non-resident is permanently disabled by the loss of both lower limbs or other serious injury, and is removed to a hospital for treatment, it is unnecessary that the superintendent of the county home determine that the person injured is a proper person for the extension of public relief by the county prior to the incurring of expenses for the necessary medical and surgical attention and hospital services.

In conclusion, it is deemed proper to direct your attention to Section 2540, General Code, providing as follows:

“The superintendent of the infirmary may remove any person becoming a charge upon the county who has no legal settlement in the state, to the county and state where such person has a legal settlement.”

By the terms of this section, as soon as the injured person, who is the subject of your inquiry, shall have recovered his health sufficiently to make such action possible, the superintendent of the county home may, at the county's expense, cause him to be transported to the place where he has a legal settlement.

Respectfully,
EDWARD C. TURNER,
Attorney General.

655.

APPROVAL, BONDS OF VILLAGE OF FAIRVIEW, CUYAHOGA COUNTY,
\$90,000.00.

COLUMBUS, OHIO, June 22, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

656.

APPROVAL, BONDS OF CITY OF VAN WERT, VAN WERT COUNTY,
\$19,142.01.

COLUMBUS, OHIO, June 22, 1927.

Industrial Commission of Ohio, Columbus, Ohio.