

4211.

POOR RELIEF—DISBURSEMENTS FROM SALE OF POOR RELIEF BONDS UNLAWFUL BECAUSE STATE RELIEF COMMISSION DEFUNCT.

SYLLABUS:

No disbursement may now be lawfully made from the funds derived from the sale of Section 3 Bonds authorized by Amended Senate Bill No. 4 of the First Special Session of the 89th General Assembly as amended by Senate Bill No. 63 of the Regular Session of the 90th General Assembly. This for the reason that the State Relief Commission is now defunct and no expenditures from such bond funds can be made until the budgets of counties for relief purposes have been approved by the State Relief Commission and since expenditures must be made in accordance with such approved budgets and in accordance with and under such uniform regulations as are prescribed by the State Relief Commission.

COLUMBUS, OHIO, May 1, 1935.

HON. CLIFTON L. CARYL, *Prosecuting Attorney, Marysville, Ohio.*

DEAR SIR:—I am in receipt of your communication which reads as follows:

“This office desires an opinion upon the following statement of facts:

It has been the contention in this county relative to the relief situation that as a condition precedent to the various boards of township trustees being able and permitted to participate in the funds afforded the county as a result of sale of Section 3A bonds, which bonds have been sold by the Board of County Commissioners, and the funds disbursed through the county relief administration.

We are in this difficult situation in the county, and are unable to solve the problem successfully, inasmuch as we have in all fourteen townships in the county and it has been the contention on the part of the Board of County Commissioners that in order to participate in the funds that have resulted from the sale of the Section 3A Bonds, and which funds are being distributed through the county relief administration, that it shall be necessary for the various boards of township trustees, who want to participate, that they must first of all adopt a resolution for the purpose of turning their township over to the county for relief purposes, and hence become a part of the county unit for relief purposes, and as a result of the set up only three of the townships in the entire county have complied with the requirements of the Board of County Commissioners in such respect.

A great deal of friction has arisen between the various boards of township trustees and the board of county commissioners, and the county relief system in Union County, for the reason that three townships have had the benefit of the funds, which have been available, and the remaining eleven townships have had no benefit of the available funds, and we would like to have your opinion on the question as to whether or not it would be necessary for the various boards of township trustees to adopt a resolution for the purpose of becoming a part of the county unit for relief purposes, or whether they have a right to participate in the funds derived from sale of 3A Bonds for relief purposes, without complying with the requirements set forth by the Board of

County Commissioners, in that they must turn their township over to the county for relief purposes, and thus become a part of the county relief system.”

Re-stated, the question presented by your inquiry is whether or not it is necessary for the various boards of township trustees to adopt a resolution for the purpose of becoming a part of the county unit for relief purposes in order to have a right to participate in the funds derived from the sale of Section 3 (A) Bonds for relief purposes.

Amended Senate Bill No. 4 of the First Special Session of the 89th General Assembly, (114 O. L. Pt. II, 17), authorized the issue of bonds by counties and cities and expenditures of public money for the relief of the poor and unemployed. It was provided in part in Section 8 of this Act that:

“Section 8. The proceeds of the sale of any such bonds or notes, issued under section 3 or section 7 of this act by any county, shall be placed in a special fund to be denominated the ‘emergency relief fund,’ and shall be deemed to be appropriated for the purpose only for which the bonds or notes were issued, *but no expenditure shall be made from such special fund except in accordance with the method and under such uniform regulations as prescribed by the state relief commission, and in no case after December 1, 1933. * * **” (Italics the writer’s)

Section 9 of this Act provided in part:

“Section 9. No disbursement of any part of the emergency relief fund shall be made by the county commissioners or the council or other legislative body of any city of any county until the budget of such county or city for relief expenditures has been approved by the state relief commission. At any time after such approval and in accordance therewith and prior to the first day of March, 1933, the county commissioners of any county shall, from time to time distribute such portion of said fund to any or all of the cities (whether charter cities or otherwise) and townships of such county, according to their relative needs for poor relief as determined by such county and as set out in such approved budget; such moneys so distributed to any city or township shall be expended for poor relief in such city or township including the renting of land and the purchase of seeds for gardening for the unemployed, and for no other purpose. * * *

At any time prior to the first day of March, 1933, the county commissioners of any county may, when authorized by the state relief commission expend any part of the emergency relief fund of such county for furnishing work relief and direct relief as defined in this act, to any or all persons in such county who are in a condition requiring it, anything in sections 3476 to 3496, both inclusive, of the General Code, to the contrary notwithstanding.”

Sections 8 and 9 of Amended Senate Bill No. 4 of the First Special Session of the 89th General Assembly were amended by Sections 8 and 9 of Senate Bill No. 63 of the regular session of the 90th General Assembly, (115 O. L. 29, 31.) They provide in part:

“Sec. 8. The proceeds of the sale of any such bonds or notes, heretofore or hereafter issued under section 3 or section 7 of this act by any county, shall be placed in a special fund to be denominated the ‘emergency relief fund,’ and shall be deemed to be appropriated for the purpose only for which the bonds or

notes were issued, *but no expenditure shall be made from such special fund except in accordance with the method and under such uniform regulations as prescribed by the state relief commission, and in no case after December 31, 1935. * * **" (Italics the writer's.)

"Sec. 9. No disbursement of any part of the emergency relief fund shall be made by the county commissioners * * * until the budget of such county * * * for relief expenditures has been approved by the state relief commission. At any time after such approval and in accordance therewith and prior to the first day of March, 1935, the county commissioners of any county shall, from time to time, distribute such portion of said fund to any or all of the cities (whether charter cities or otherwise) and townships of such county, according to their relative needs for poor relief as determined by such county and as set out in such approved budget; such moneys so distributed to any city or township shall be expended for poor relief in such city or township, including the renting of land and the purchase of seeds for gardening for the unemployed, and for no other purpose.

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At any time prior to the first day of March, 1935, the county commissioners of any county may, when authorized by the state relief commission expend any part of the emergency relief fund or the county poor relief excise fund of such county for furnishing work relief and direct relief as defined in this act, to any or all persons in such county who are in a condition requiring it, anything in sections 3476 to 3496, both inclusive, of the General Code, to the contrary notwithstanding."

The above is the last amendment of Sections 8 and 9 of Amended Senate Bill No. 4 of the First Special Session of the 89th General Assembly as amended by subsequent legislation. It would appear therefore that since no expenditure may be made from the funds derived from the sale of Section 3 Bonds, "except in accordance with the method and under such uniform regulations as prescribed by the state relief commission," and "no disbursement of any part of the emergency relief fund shall be made by the county commissioners * * * until the budget of such county * * * for relief expenditures has been approved by the state relief commission," and since Senate Bill No. 60 of the Regular Session of the 90th General Assembly, (115 O. L. 22), creating a State Relief Commission expired on March 1, 1935, it would appear that no expenditures may now be made from the funds derived from the sale of Section 3 Bonds. That is, it is axiomatic that the rules of a state board expire when the state board itself expires by virtue of law, and consequently the question you present in your communication is a moot one and necessitates no answer at the present time. I am cognizant of the fact that the county budgets for the month of March, 1935, were approved by the State Relief Commission prior to the expiration of that Body. However, there was no approval of county budgets for months subsequent thereto and since your inquiry presents the question of expending such funds now, there is no necessity to comment relative to the March, 1935, expenditures.

It is my opinion that no disbursement may now be lawfully made from the funds derived from the sale of Section 3 Bonds authorized by Amended Senate Bill No. 4 of the First Special Session of the 89th General Assembly as amended by Senate Bill No. 63 of the Regular Session of the 90th General Assembly. This for the reason that the State Relief Commission is now defunct and no expenditures from such bond funds can be made until the budgets of counties for relief purposes have been approved by the State Relief Commission and since expenditures must be made in accordance with such

approved budgets and in accordance with and under such uniform regulations as are prescribed by the State Relief Commission.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4212.

APPROVAL, ABSTRACT OF TITLE, ETC., RELATING TO THE PROPOSED
PURCHASE OF LAND IN HANOVER TOWNSHIP, ASHLAND COUNTY,
OHIO—IDA GRUNEWALD.

COLUMBUS, OHIO, May 1, 1935.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you enclose for my examination and approval an abstract of title, warranty deed, contract encumbrance record No. 22, Controlling Board certificate and other files relating to the proposed purchase by the state of Ohio of certain tracts of land owned of record by one Ida Grunewald in Hanover Township, Ashland County, Ohio. The real property above referred to is more particularly described in the warranty deed tendered by Ida Grunewald to the State as follows:

Situated in the Township of Hanover, County of Ashland and State of Ohio:

Being the South East quarter of the North East quarter of Section Eighteen (18), Township Nineteen (19) of Range Sixteen (16) containing forty (40) acres.

ALSO the following described premises, being a part of Section eighteen (18) Township Nineteen (19) of Range Sixteen (16) of Ashland County, Ohio; Beginning at the North East corner of said quarter; thence with the East line of said quarter section 35' West 29 chains and 46 links to the center of the road; thence with the center of said road North 88° West 10 chains and 12 links; thence with the center of said road 85¼° West 10 chains and 60 links to the half quarter line; thence North 2° East with said line 28 chains and 27 links to the half quarter post on the North line of said quarter; thence south 89° East with the North line of said quarter 20 chains and 30 links to the place of beginning, containing 59.54 acres of land.

ALSO the following described premises: Being situated in the Township of Hanover, County of Ashland and State of Ohio. Known as being the following land to-wit: Commencing at a point on the West line of Section 17, Township 19, and Range 16, .75 chains north of the half quarter line which is between the North west and South west quarter of said Section; thence South 87° 35' East and 17.00 chains; thence South 0° 30' West 7.12 chains to center line of State Highway No. 97; thence following the center line of said highway, South 62° 30' West, 1.05 chains, this point being the P. C., Station 159 plus 81.96, on right-of-way survey of said highway; thence, following an arc of 1206.57 feet radius, a distance of 14.04 chains, this point being P. T., Station 169 plus 08.98 in above mentioned survey; thence North 77° 30' West 2.57