

Prior to the enactment of the Election Laws of the State of Ohio by the 88th General Assembly, this language was contained in Section 4961, General Code, which provided as follows:

“Within fifteen days after their selection all such state and county central committees shall meet and organize by the election of a chairman and secretary, and shall elect an executive committee.”

Administrative interpretation of a law, when long continued, may not be disregarded and set aside unless judicial construction makes it imperative so to do. *Industrial Commission vs. Brown*, 92 O. S. 309, 311; *State, ex rel. vs. Brown*, 121 O. S. 73, 76. In the earlier case of *State, ex rel. vs. Graves*, 89 O. S. 24, involving the powers of a county central committee when no executive committee has been selected, the Supreme Court similarly followed long established administrative practice in interpreting the law pertaining to county central committees.

In view of the foregoing and in specific answer to your question, it is my opinion that an elected county central committee may not legally select as its chairman a person not an elected member thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4433.

APPROVAL, NOTES OF ASHLEY VILLAGE SCHOOL DISTRICT, DELAWARE COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, June 18, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4434.

EMERGENCY RELIEF FUNDS—AMENDED SENATE BILL NO. 4—HOW SUCH FUNDS MAY BE USED.

SYLLABUS:

1. *Funds collected under the provisions of section 4 of Amended Senate Bill No. 4, passed March 31, 1932, shall be allocated and paid to all the counties in the state in accordance with the method outlined in section 5 of said act regardless of whether or not said counties have issued bonds for poor relief.*

2. *Moneys so paid to said counties shall be held in trust in a special fund of the county as provided in section 6 of said act.*

3. *Money so allocated to a county which is not required for retirement of poor relief bonds may be used for the poor relief purposes as provided in sections*

2 and 9 of said act and the balance, if any, shall be paid into the sinking fund of the county and used for the retirement of bonds of the county.

COLUMBUS, OHIO, June 18, 1932.

HON. MARCUS MCCALLISTER, *Prosecuting Attorney, Xenia, Ohio.*

DEAR SIR:—I acknowledge receipt of your recent communication which reads as follows:

“Your opinion is earnestly solicited on the following questions which arise under different sections of the Amended Senate Bill No. 4, passed March 31, 1932:

Will the funds as allocated to the counties as provided under Section 5 of the aforesaid act, be paid to the counties under Section 6, regardless of whether or not the said county or counties have issued bonds?

In case a county does not issue bonds, and the money as allocated to the county is distributed to that county as provided for under Section 6, into what fund shall the treasurer of such county credit same?

Can the money allocated to the county, which is not used for retirement of bonds, be used for poor relief purposes as provided in Sections 2 and 9 of the aforesaid act?

Assuming that part or none of the aforesaid money is used for poor relief purposes, can the same be paid into the sinking fund of the county, in the event no bonds are issued?”

Section 5 of Amended Senate Bill No. 4, passed March 31, 1932, provides that “the funds collected under the provisions of section 4 of this act shall be credited to a fund to be known as the ‘county poor relief excise fund’ and shall be allocated to all counties in the state * * *”. Then follows the method of allocating such fund to the county. Section 4 relates to the levy of an excise tax on public utilities. Section 6 of said act reads in part as follows:

“On or before the fifteenth day of February, of each year, the auditor of state shall transmit to the county auditor of each county, a certificate of the amount of such fund standing to the credit of such county, and shall draw a warrant for such amount upon the treasurer of state, in favor of the treasurer of such county, and forward such warrant to the county auditor.”

As this statute expressly provides that the proceeds of the tax authorized to be levied shall be distributed to the counties, it follows that such fund shall be allocated to all the counties regardless of whether or not they have issued bonds for poor relief. The money allocated to such counties must be placed by such counties in a special fund regardless of whether or not bonds have been issued for poor relief. Section 6 of this act expressly provides that “such moneys shall be held in trust in a special fund of the county.” Section 6 further provides that the money allocated to the counties shall be “applied solely to the payment of the principal of and the interest on the bonds issued under section 3 of this act, or if they exceed the amount required for such purposes to other poor relief purposes within the county as defined in this act, or if such moneys exceed the amount required for the aforesaid purposes the same shall be paid

into the sinking fund of the county and used for the retirement of bonds of the county."

It is seen therefore that all funds received by a county which are not needed for the payment of the principal of and the interest on bonds issued for poor relief, may be used for other poor relief purposes within the county as defined in the act.

I am of the opinion, therefore, that money which is allocated to a county under this act, and which is not needed for the payment of the principal of and the interest on poor relief bonds, may be used for poor relief purposes as provided in sections 2 and 9 of said act; and that where a part or none of said money is needed for the payment of the principal of and interest on poor relief bonds and for poor relief purposes, such money not so required shall be paid into the sinking fund of the county and used for the retirement of bonds of the county.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4435.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN HURON COUNTY, OHIO.

COLUMBUS, OHIO, June 20, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4436.

APPROVAL, TRANSCRIPT OF PROCEEDINGS RELATING TO PROPOSED SALE OF CANAL LANDS IN HOCKING COUNTY—JOHN WELLMAN.

COLUMBUS, OHIO, June 20, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You recently submitted for my examination and approval a transcript in duplicate of your proceedings as Superintendent of Public Works and as Director of said department, relating to the proposed sale to one John Wellman of Logan, Ohio, of a parcel of abandoned Hocking Canal land in Falls and Greene Townships, Hocking County, Ohio, for the stated consideration of \$500.00.

Upon consideration of your proceedings relating to the sale of this parcel of canal land, which parcel is more particularly described by metes and bounds in said transcript, I assume that no part of this property is occupied by a state highway, and that no part thereof has been designated by the Director of Highways for use in connection with any scheme of state highway improvement.

With this assumption, I find that the transcript submitted to me contains a