

pears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

184.

COUNTY COMMISSIONERS—AUTHORITY TO CARE FOR INDIGENT
SICK AND DISABLED.

SYLLABUS:

A board of county commissioners may enter into an agreement for the care of the indigent sick and disabled within the county, other than persons afflicted with pulmonary tuberculosis, with one or more corporations or associations organized for the purpose of maintaining and operating a non-sectarian hospital, whether such hospital be located within or without the county for which the county commissioners are acting.

COLUMBUS, OHIO, March 14, 1927.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your letter of recent date in which you request my opinion in answer to the following question:

“Under Section 3138-1 G. C., may the commissioners of a county contract with the authorities of a hospital located outside of the county for the care of indigent sick and disabled?”

Section 3138-1 of the General Code reads as follows:

“That the board of county commissioners of any county may enter an agreement with one or more corporations or associations organized for charitable purposes, or with one or more corporations or associations organized for the purpose of maintaining and operating a hospital in any county where such hospital has been established, for the care of the indigent sick and disabled, excepting persons afflicted with pulmonary tuberculosis, upon such terms and conditions as may be agreed upon between said commissioners, and such corporations or associations, and said commissioners shall provide for the payment of the amount agreed upon, either in one payment, or installments, or so much from year to year, as the parties stipulate. Nothing herein shall authorize the payment of public funds to a sectarian institution. County commissioners shall have authority to employ the necessary and properly qualified employes to assist them in carrying out all responsibilities devolving upon them by reason of any agreement, or agreements, entered into in accordance with the provisions of this section.”

This section was passed in 1921, amending a former Section 3138-1, which had been passed in 1919. The only change made in the statute at the time of its amend-

ment in 1921 was in the addition of the last seven lines of the statute as it now reads.

The act of 1919, 108 O. L. Part 1, page 62, which contained Section 3138-1 of the General Code, amended a former Section 3138-1 which had been passed in 1913 (103 O. L. 67). The act of 1913 by its terms repealed former Section 3138-1 which had been enacted in 1910, 101 O. L., page 166, and which read as follows:

“That the board of county commissioners of any county may enter into an agreement with a corporation or association organized for charitable purposes in such county where a hospital has been established or may hereafter be established for the sick and disabled upon such terms and conditions as may be agreed upon between said commissioners and such corporation or association, and said commissioners shall provide for the payment of the amount agreed upon, either in one payment or installments, or so much from year to year as the parties stipulate.”

This statute as passed in 1910 was amended in 1913, 103 O. L., page 67, to read as follows:

“That the board of county commissioners of any county may enter into an agreement with a corporation or association organized for charitable purposes or if there is no such corporation or association then with any corporation or association organized for the purpose of maintaining and operating a hospital in any county where a hospital has been established or may hereafter be established for the care of the indigent sick and disabled excepting persons afflicted with pulmonary tuberculosis, upon such terms and conditions as may be agreed upon between said commissioners and such corporation or association and said commissioners shall provide for the payment of the amount agreed upon either in one payment or installments or so much from year to year as the parties stipulate.”

This statute as enacted in 1913 is, so far as pertinent to this opinion, the same as the statute which is now in force.

It will be noted that the terms of this statute as originally enacted in 1910, limited the county commissioners to the making of an agreement with a corporation or association organized for charitable purposes in such county, where a hospital had been established or might thereafter be established for the sick and disabled. The change which was made in this statute at the time of its amendment in 1913, was to the effect that the authority of the county commissioners to make an agreement for the care of the indigent sick and disabled was extended so that if there were not within the county a corporation organized for charitable purposes, they might make an agreement with any corporation or association organized for the purpose of maintaining and operating a hospital whether it be a charitable hospital or not, and instead of using the words “*in such county*” which appear in the original statute as enacted in 1910, the wording was changed to “*in any county*.”

In answering your question we must determine what the legislature meant in enacting Section 3138-1.

The meaning of the word “any” as defined in Bouvier’s Law Dictionary, is that it is synonymous with “either”, and that it is given the full force of “every” and “all”. It would seem clear that were we to give this meaning to the word “any” as used in this statute, there would be no question but that the commissioners might make a contract with a hospital association, whether in their own county or in some other. In addition to this we must of course assume in construing this statute that the legislature had some object in view at the time of the amendment of 1913, and when

the change was made by which the word "any" was substituted for the word "such," it means that it was the intention to extend the authority of the county commissioners so as to give them authority to contract with any hospital in any county with which they could make the most advantageous agreement, and as the wording of the statute with reference to this matter has not been changed since the amendment of 1913, I am of the opinion that county commissioners may contract with authorities of a hospital which is non-sectarian, located outside of their county for the purpose of caring for the indigent sick and disabled of the county, excepting those afflicted with pulmonary tuberculosis.

Respectfully,
EDWARD C. TURNER,
Attorney General.

185.

DISAPPROVAL, BONDS OF VILLAGE OF ADA, HARDIN COUNTY,
\$5,200.00

COLUMBUS, OHIO, March 10, 1927.

Re: Bonds of Village of Ada, Hardin County, \$5,200.00

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—Transcript for the above bond issue shows that the bond issuing ordinance was passed September 7, 1926. It is recited in the ordinance that these bonds are issued in anticipation of the *levy* of a special assessment. This is obviously true because the contract was not advertised to be let until September 25, 1926, and the ordinance levying the special assessments was not enacted until November 23, 1926.

Section 3914 of the General Code provides as follows:

"Municipal corporations may issue bonds in anticipation of the collection of special assessments. Such bonds may be in sufficient amount to pay that portion of the estimated cost of the improvement or service for which the assessments are levied. In the issuance and sale of such bonds the municipality shall be governed by all restrictions and limitations with respect to the issuance and sale of other bonds, and the assessments as paid shall be applied to the liquidation of such bonds. Municipal corporations may borrow money and issue notes, due and payable not later than two years from the date of issue, in anticipation of the levy of special assessments or of the issuance of bonds as provided in this section. The notes shall not exceed in amount that portion of the estimated cost of the improvement or service for which the assessment is levied. The proceeds of bonds issued in anticipation of the collection of assessments and all of the assessments collected for the improvement shall be applied to the payment of the notes and interest thereon until both are fully paid; and thereafter said assessments shall be applied to the payment of said bonds and interest thereon. Council ordinances and proceedings relating to the issuance of such bonds or notes shall not require publication."