

1965.

APPROVAL—BONDS CITY OF DAYTON, MONTGOMERY COUNTY, OHIO, \$3,000.00, PART OF ISSUE DATED JUNE 15, 1928.

COLUMBUS, OHIO, February 21, 1938.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Dayton, Montgomery County,
Ohio, \$3,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of sewage disposal plant bonds, Series G, in the aggregate amount of \$250,000, dated June 15, 1928, bearing interest at the rate of 4½% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

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1966.

PROSECUTING ATTORNEY—MEMBERSHIP DUES IN PRIVATE ORGANIZATION—SHERIFF'S ASSOCIATION—MAY NOT BE PAID FROM FUNDS ALLOWED UNDER SECTION 3004 G. C.—SEE OPINION 2959, SEPTEMBER 13, 1938.

SYLLABUS :

The membership dues of a prosecuting attorney in a private organization formed to suppress crime and to carry on investigations may not be paid from the funds allowed the prosecuting attorney under Section 3004, General Code.

COLUMBUS, OHIO, February 23, 1938.

HON. WILLIAM J. PORTER, *Prosecuting Attorney, Marysville, Ohio.*

DEAR SIR: This will acknowledge the receipt of your recent communication which reads as follows:

"I am desirous of knowing whether or not a Prosecuting Attorney can join the Buckeye Sheriff's Association, which is an organization in the State of Ohio whose purpose among other things is to suppress crime and to carry on investigations at the request of the Prosecuting Attorney, Sheriffs, Police Officers and other like officers.

This Association, as I understand it renders its services to the Prosecuting Attorneys by furnishing for them investigators who are skilled in the detection of crime which investigators services are less costly than like persons who might be employed elsewhere.

* * * * *

The question is as to whether or not this membership insofar as the Prosecuting Attorney's office is concerned may be paid from the funds provided for by Section 3004, General Code of Ohio."

Section 3004, General Code, referred to by you provides in part:

"There shall be allowed annually to the prosecuting attorney in addition to his salary and to the allowance provided by Section 2914, an amount equal to one-half the official salary, to provide for expenses which may be incurred by him in the performance of his official duties, and in the furtherance of justice, not otherwise provided for * * *"

The language of this section is broad and confers wide discretion in the use of this fund upon the prosecuting attorney. Indeed, the only limitations imposed by the section are that expenditures under it shall be for matters "in the performance of his official duties, or in the furtherance of justice, which are not otherwise provided for."

A review of the opinions issued by this office upon expenditures which may be properly allowed under Section 3004, General Code, reveals that the Attorneys General have at all times been most liberal in construing the section.

It does not appear that this office has ever adopted a policy to hamper or restrict with narrow statutory construction those important and far reaching powers given the prosecuting attorney by law.

In an opinion of the Attorney General for 1920, Vol. II, page 977, it was held that the prosecuting attorney could purchase under Section 3004, General Code, scales or other weighing devices which were reasonably necessary to procure evidence against persons violating traffic laws of the state. In this opinion several earlier opinions on expenditures allowed under the section were cited.

Later an Opinion of the Attorney General for 1927, Vol. I, page 212, held that mileage expenses of an out-of-state witness who had assisted the prosecutor in a criminal investigation could be properly paid from the fund allowed under Section 3004, supra, as such an expenditure was "in furtherance of justice".

Again in 1931 an Opinion of the Attorney General, Vol. III, page 1327, held that services of a special secret service agent who was employed by the prosecutor could be paid for out of the "3004" fund.

In all those instances it must be observed that the expenditures allowed were made for definite services which were of direct use and assistance to the prosecutor's office.

The matter before us, however, does not quite measure up to this standard, as membership in the Buckeye Sheriffs' Association is in no way an official duty of the prosecuting attorney, even though it would be laudable action on his part. Moreover, the opportunity to obtain investigators sponsored by the association, which membership in it affords, is an accessible convenience rather than a direct service to the prosecutor's office.

Since logic permits no alternative, I regretfully conclude that this association really stands in no better place than the hundreds of associations offering some information, convenience and service which counties, municipalities and boards of education are invited to organize and affiliate with annually. It is a now well established precedent that public funds cannot be used to pay dues in such organizations or to pay the traveling expenses of officials who attend the conventions or meetings of such organizations, even though they have purposes consistent with the duties of officials concerned and do afford information and interchange of ideas. I do not see how the Buckeye Sheriffs' Association can be taken out of this rule. While it may be contended that membership in such an association is "in furtherance of justice", I do not believe that this phrase as used in the statute was meant to include expenditures for joining organizations.

In the construction and interpretation of statutes certain rules have evolved which aid in the discovery of the true intent of the law. One of the most well established of these rules is that a statute should be considered as a whole and that all that has been said in the law presents a better view of legislative intent than the selection of isolated passages

and phrases. In other words, all the phrases and clauses must be read with a view to ascertaining what object the legislature intended to accomplish.

There are, I am sure, a thousand activities which anyone could pursue with the general and abstract idea of justice in mind, and all such activities would be "in furtherance of justice." One can hardly believe that the legislature intended to open the door on these activities by inserting that phrase in this special section. A far more logical view is that the legislature intended to limit the phrase "in furtherance of justice" to that which is directly connected with the official duties and responsibilities imposed upon the prosecuting attorney's office. There is, I believe, a real difference between membership in a private organization which makes the employment of a certain class of investigators accessible, and hiring directly a special investigator or agent.

In view of these facts, it is my opinion that the membership dues of a prosecuting attorney in a private organization formed to suppress crime and to carry on investigations may not be paid from funds allowed the prosecuting attorney under Section 3004, General Code.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1967.

APPROVAL—BONDS VILLAGE OF WEST UNITY, WILLIAMS COUNTY, OHIO, \$28,000.00, DATED APRIL 1, 1937.

COLUMBUS, OHIO, February 23, 1938.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Village of West Unity, Williams County, Ohio, \$28,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of waterworks bonds dated April 1, 1937, bearing interest at the rate of $3\frac{1}{4}\%$ per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds