In my opinion, the Legislature clearly intended, as evidenced by the language found in Burns' 22-3218, *supra*, that trustees, superintendents and all persons who handle hospital funds be bonded, either individually or under a blanket corporate surety bond. I find no language in Section 3a which defeats this intention, and I must, therefore, conclude in answer to your second question that the boards of trustees, superintendents, and any employees who handle funds of a hospital organized under the 1917 County Hospital Act and operating pursuant to Section 3a of the Act are *required* to execute either an individual or blanket corporate surety bond. Further, that State Board of Accounts approval of such bond is not required unless persons other than those set out in statute are to be bonded.

By way of summary and conclusion, I am of the opinion that hospitals organized under the 1917 County Hospital Act and operating pursuant to either Section 3 or 3a of the Act are required by law to have the board of trustees, the superintendent, and any employee who handles hospital funds bonded under either an individual or blanket corporate surety bond. Approval by the State Board of Accounts of such bond is not required unless persons other than those set out in the statute are to be bonded.

OFFICIAL OPINION NO. 52

November 14, 1963

Hon. Richard O. Ristine
Lieutenant Governor of Indiana
332 State House
Indianapolis 4, Indiana

Dear Lieutenant Governor Ristine:

This will acknowledge receipt of your letter requesting an Official Opinion regarding the provisions of the Acts of 1905, Ch. 104, Sec. 1, as amended and found in Burns' (1950 Repl.), Section 15-317, as it relates to the appropriation of funds for 4-H Fairs.

Your letter states that the Board of Commissioners of Jasper County had made provision for the expenditure of $4,400.00, which amount is in accordance with the statutory formula in Burns' 15-317, *supra*, and that this amount was approved by the county council. Nevertheless, the auditor has apparently refused to pay out the money for the reason that other funds already paid to the 4-H Club must be deducted from this amount. With this basic background established, your question reads as follows:

> "The question is, then, can the 4-H money already paid out be computed as appropriated under section 15-314, thereby leaving the total sum of $4,400.00 available for Fair Board use, providing the Commissioners and Council appropriate it; or does the limitation of section 15-317 apply to any and all sums in the aggregate appropriated under both sections 15-317 and 15-314?"

The authority for making funds available to 4-H Club and similar agricultural groups is set forth in two separate statutory enactments. The first statute was enacted in 1877 and last amended in 1953. This statute is Acts of 1877, Ch. 1, Sec. 1, as amended and as found in Burns' (1963 Supp.), Section 15-314, and reads as follows:

> "The board of commissioners of any county may, in their discretion, make an allowance out of the general fund of such county to any 4-H club association having for its purpose the promotion of the agricultural and horticultural interests of the county, already or hereafter organized, subject to the provisions in the next section contained."

It is noted that by virtue of the 1953 amendment to the Acts of 1877, Ch. 1, Sec. 2, as found in Burns' (1963 Supp.), Section 15-315, the funds allowed may only be used for the construction, operation or maintenance of a building owned by such agricultural association and the act considers it to be in the nature of a loan.

Another statute which deals essentially with the same subject matter is the Acts of 1905, Ch. 104, Sec. 1, as amended and

as found in Burns' (1950 Repl.), Section 15-317. This statute insofar as it is pertinent, reads as follows:

> "The county councils and boards of county commissioners of all counties in the state of Indiana may, in their discretion, appropriate and pay to any agricultural fair or association, or duly organized county four-H clubs in which the people of such county are interested, a sum not exceeding one cent [1¢] on the one hundred dollars [$100] valuation of the taxable property of such county, to be paid out of the general county fund, to be used and expended only for necessary costs and expenses incident to the conduct and carrying out of the purposes of duly organized four-H clubs and boys' and girls' club work, and for premiums on agricultural and horticultural products, live stock, boys' and girls' club work and judging of such products, stock and club work * * *."

The purpose of this act differs from Burns' 15-315, *supra*, in that the allowance is used for the purpose of conducting and carrying out of the purpose of the participating group and for payment of premiums on the results of their activities. The payment, also, is in the nature of a gift rather than a loan.

Burns' 15-317, *supra*, had as its original purpose the creation of a fund to be used only for "premiums on agricultural and horticultural products and live stock." Through various legislative sessions this was amended so that in 1947 the title and the act was amended so as to envelop 4-H clubs and boys' and girls' agricultural clubs. By virtue of these amendments, the act now provides that funds can be appropriated and expended for the necessary expenses incident to carrying out the work of such 4-H clubs and boys' and girls' clubs.

It is apparent therefore, that these two acts, passed and amended at different times, represent different approaches to the financing of agricultural programs at the county level. Burns' 15-314, *supra*, now provides that an allowance can be made, if the commissioners so desire, and can serve as a standing allowance for any period of time up to five years. In order to initiate such an allowance on the part of the commissioners,

it is necessary to first cause a petition to be filed with the auditor requesting the allowance. This procedure is provided for in Burns' 15-315, *supra.*

Burns' 15-315, *supra,* established the full procedure for securing funds pursuant to Burns' 15-314, *supra.* However, it would still be necessary, in my opinion, for the county council to make an appropriation in order to secure compliance with the Acts of 1899, Ch. 154, Sec. 15, as found in Burns' (1960 Repl.), Section 26-515, and the Acts of 1899, Ch. 154, Sec. 22, as amended and as found in Burns' (1960 Repl.), Section 26-522.

With respect to Burns' 15-317, *supra,* the act seems complete in terms of providing funds for the purposes therein enumerated. A formula is established which sets out the precise amount of money which can be appropriated by the board of commissioners and the county council if they choose to do so. This amount is ascertainable in all cases and is subject to the discretion of the commissioners and the council without the filing of a petition as required for allowances made pursuant to the provisions of Burns' 15-314, *supra.*

It seems unusual that the Legislature would permit the continued existence of two statutes, which are designed to accomplish the same purpose by seemingly different methods. Burns' 15-314 and 15-315, *supra,* speak in terms of an allowance without mentioning that once an allowance is made it would be necessary to secure an appropriation from the county council. Burns' 15-317, *supra,* provides that the commissioners and the council may exercise their discretion and make an appropriation based upon a formula set out in the statute for ultimate use by the 4-H group. In the absence of a conflict or other legislative indication it appears that both statutes are operative and can be used by the parties in interest.

Under the foregoing circumstances, money could be made available to the 4-H club group for fair purposes and under both Burns' 15-314, *supra,* and under the provisions of Burns' 15-317, *supra,* and it would not be within the authority of the auditor to reduce the appropriation under Burns' 15-317, *supra,* by any amounts already paid or made available pursuant to Burns' 15-314, *supra.*

Therefore, I am of the opinion that the limitation set by the Legislature in Burns' 15-317, *supra*, does not apply to the aggregate sum appropriated under both statutes, but that all sums made available under either statute can be used in accordance with the statutory provisions.

OFFICIAL OPINION NO. 53

November 15, 1963

Mr. Edwin Steers, Sr.
Member, State Election Board
108 E. Washington Street
Indianapolis 4, Indiana

Dear Mr. Steers:

Your letter of October 21, 1963, has been received requesting an Official Opinion on the question submitted to you by the Clerk of the DeKalb Circuit Court whose letter, in part, reads as follows:

> "Enclosed please find two pages from the DeKalb County Comprehensive Plan for School Re-Organization in DeKalb County. The questions that will arise in the primary election of 1964 electing members to the Board of School Trustees are underlined on enclosed page No. 69. Would you be kind enough to ask the Attorney General for his official opinion as to the following questions that will arise that are definitely not clear as set out by the County Plan.
>
> "1. B. 'The candidate elected at large shall be the person receiving the greatest number of votes.' In other words the foregoing statement in my opinion does not state definitely whether 'The candidate elected at large is one actually on the ballot at large or whether he is one of the candidates for any particular district. Then again under Section C the following question:
>
> "2. 'Here, under a simple majority, the candidates to receive the highest number of votes shall be