

2279.

DISAPPROVAL, BONDS OF CITY OF NELSONVILLE, ATHENS COUNTY,
\$5,754.40.

COLUMBUS, OHIO, March 11, 1925.

Re: Bonds of City of Nelsonville, Athens County, \$5,754.40.

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

GENTLEMEN:—An examination of the transcript presented for the above bond issue discloses that the council of the city passed a bond ordinance under the provisions of section 3815, General Code, for the city's portion, and the property owners' portion to be paid for the improvement in an aggregate sum of \$5,215.50.

Following the passage of this ordinance in the foregoing amount, the officials of the city then advertised and sold bonds in the sum of \$5,754.40. Through inquiry concerning the foregoing discrepancy in the amount of the bonds, I am advised that the actual cost of the improvement is represented by the greater amount, and council of the city has passed an amendatory ordinance to correct the incorrect amount of the first bond ordinance. This has been done subsequent to the advertisement and sale of the bonds.

As the amount of the bonds as advertised for sale has been at variance with the bond ordinance providing for the issue, I feel that this creates a condition that cannot be remedied by subsequent legislation after the advertisement and sale of the bonds.

It is my opinion that the bonds must be sold in the amount as provided in the bond ordinance, at the time of the advertisement, in accordance with the requirement of section 3924 of the General Code, and proceedings for an increase in the amount of the issue must necessarily be had prior to the advertisement of sale.

It is therefore my conclusion that this discrepancy in the amounts of bonds as provided in the bond ordinance, and the amounts of bonds sold, cannot now be corrected by subsequent legislation, and it will be necessary for these bonds to be re-advertised in accordance with the ordinance providing for the proper amount.

You are therefore advised not to purchase these bonds as advertised and sold under the provisions as shown by the transcript.

Respectfully,
C. C. CRABBE,
Attorney-General.

2280.

INDEFINITE POSTPONEMENT OF A BILL CERTIFIED TO THE LEGISLATURE BY SECRETARY OF STATE CONSTITUTES A REJECTION OF SUCH BILL—NINETY DAY PERIOD BEGINS TO RUN FROM DATE OF SUCH ACTION.

SYLLABUS:

Where a bill is certified to the legislature by the secretary of state in pursuance to an initiative petition, and the House takes such proceedings as to indefinitely postpone the bill, such proceedings constitute a rejection of such bill, in view of section 1b of article II of the Constitution, and the ninety day period begins to run from the date of such action.

COLUMBUS, OHIO, March 12, 1925.

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—In your recent communication you request my opinion upon a state