

646.

OHIO FEDERAL AID BOND LAW—AMENDED SUBSTITUTE HOUSE BILL No. 850, 92ND GENERAL ASSEMBLY AND AMENDED SENATE BILL No. 234, 93RD GENERAL ASSEMBLY—WORDS “NET INDEBTEDNESS” OF MUNICIPALITY OR OTHER SUBDIVISION—INTERPRETED TO MEAN AS EXISTED OCTOBER 19, 1938, NOT MARCH 14, 1939.

SYLLABUS:

The “net indebtedness” of a municipality or other subdivision as it existed on October 19, 1938, and not as it existed on March 14, 1939, is the net indebtedness referred to in both Amended Substitute House Bill No. 850, enacted by the 92nd General Assembly, and Amended Senate Bill No. 234, enacted by the 93rd General Assembly, commonly referred to as the Ohio Federal Aid Bond law.

COLUMBUS, OHIO, May 25, 1939.

The Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN: We acknowledge receipt of your letter of May 25, 1939, relative to Amended Substitute House Bill No. 850, enacted by the 92nd General Assembly, and Amended Senate Bill No. 234, enacted by the 93rd General Assembly, commonly referred to as the Ohio Federal Aid Bond law.

Amended Substitute House Bill No. 850 became effective October 19, 1938, and Amended Senate Bill No. 234 became effective March 14, 1939. The latter act was an amendatory act and amended the former act, and the language of both acts is identical except that Amended Senate Bill 234 contains, first, an additional reference to federal laws, and second, a new section authorizing school districts to issue bonds under authority of a 55% majority affirmative vote of the electors.

Both acts contained, among other provisions, the express limitation that the aggregate amount of bonds issued in excess of statutory debt limitations “shall not exceed the amount by which the net indebtedness of the municipality or subdivision within such debt limitations, if any, as it exists on the effective date of this act, will have been reduced by the thirty-first day of December, 1943.”

Amended Senate Bill No. 234 being an amendment of Amended Substitute House Bill No. 850, it is our opinion that the clause “effective date of this act,” used in the above quotation from both acts, refers to the effective date of Amended Substitute House Bill No. 850, and not to the effective date of Amended Senate Bill No. 234, and that the net indebtedness of the issuing subdivision as it existed on October 19, 1938, is the net indebtedness referred to, and not the net indebtedness existing on March 14, 1939.

Our construction or interpretation of the two bills is supported by the rule of statutory construction announced by the Supreme Court in the cases of *In re Allen*, 91 Ohio St., 315, and *State v. Spiegel*, 91 Ohio St., 13, that where there is reenacted in an amendatory act provisions of the original statute in the same or substantially the same language, such provisions will not be considered as repealed and again reenacted, but will be regarded as having been continuous and undisturbed by the amendatory act, and be given the same meaning in the amendatory act as in the original act.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

647.

BONDS—CITY OF TOLEDO, LUCAS COUNTY, \$12,000.00.

COLUMBUS, OHIO, May 25, 1939.

Retirement Board, Public Employes Retirement System, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of the City of Toledo, Lucas County, Ohio,
\$12,000.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of bridge bonds in the aggregate amount of \$65,000, dated March 1, 1927, and bearing interest at the rate of $4\frac{1}{2}\%$ per annum.

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

Respectfully,

THOMAS J. HERBERT,
Attorney General.