

1703.

APPROVAL.—BONDS OF AMITY RURAL SCHOOL DISTRICT,  
KNOX COUNTY, OHIO, \$37,000.00, ISSUE DATED JANU-  
ARY 1, 1938.

COLUMBUS, OHIO, January 3, 1938.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*  
GENTLEMEN :

RE: Bonds of Amity Rural School District, Knox  
County, Ohio, \$37,000.00 (Unlimited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of school building bonds dated January 1, 1938, 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 issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

1704.

APPROVAL.—BONDS MONDAY CREEK RURAL SCHOOL DIS-  
TRICT, PERRY COUNTY, OHIO, \$660.00, DATED DECEM-  
BER 1, 1937.

COLUMBUS, OHIO, January 3, 1938.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*  
GENTLEMEN :

RE: Bonds of Monday Creek Rural School District,  
Perry County, Ohio, \$660.00 (Limited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of deficiency bonds dated December 1, 1937, bearing interest at the rate of 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 issued under these proceedings constitute a valid and legal obligation of said school district.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

1705.

POWER OF STATE TO CONTRACT DEBTS—LEGISLATIVE PREROGATIVE — REQUIRES EXPRESS LEGISLATIVE AUTHORITY—SALARIES CERTAIN DISTRICT HEALTH COMMISSIONERS, PUBLIC HEALTH NURSES, CLERKS—SEE SECTION 1261-39 G. C.—CERTIFICATE—SALARIES REGULAR EMPLOYEES LOCAL HEALTH DISTRICT.

*SYLLABUS:*

1. *The power of the state to contract debts is circumscribed by Article VIII of the State Constitution. Such power is a legislative prerogative and may not be exercised by any state officer without express legislative authority.*

2. *Section 1261-39, General Code, prescribing how much the state shall contribute to the salaries of certain district health commissioners, public health nurses and clerks, does not authorize the incurring of any debt on the part of the state, but is declarative of the legislative policy of the General Assembly which enacted such section and is not binding on subsequent general assemblies. Accordingly, the difference between the amount necessary to fully carry out the provisions of such section and any amount appropriated therefor does not constitute a debt or obligation of the state.*

3. *No certificate provided by paragraph (d) of Section 5625-33, General Code, is required in the payment of salaries of regular salaried*