

3268.

APPROVAL, BONDS OF GEAUGA COUNTY, OHIO—\$11,300.00.

COLUMBUS, OHIO, October 2, 1934.

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

3269.

BOND—POLITICAL SUBDIVISIONS UNAUTHORIZED TO ISSUE BONDS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS WHERE FEDERAL AID PROVIDED BY FEDERAL EMERGENCY RELIEF ADMINISTRATION.

## SYLLABUS:

*Subdivisions of Ohio are not authorized to issue bonds under the provisions of Amended Substitute Senate Bill No. 38, passed by the first special session of the 90th General Assembly, as amended by Amended Senate Bill No. 28 of the second special session of the 90th General Assembly, for the construction of a public improvement where the federal aid in which such subdivisions are to participate is to be provided by the Federal Emergency Relief Administration.*

COLUMBUS, OHIO, October 3, 1934.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication in which you ask as to whether a board of education may issue bonds under the provisions of Amended Substitute Senate Bill No. 38, passed by the first special session of the 90th General Assembly, as amended by Amended Senate Bill No. 28 of the second special session of the 90th General Assembly, when the federal aid which the board of education is securing is that provided by the Federal Emergency Relief Administration.

Said Amended Substitute Senate Bill No. 38, as amended, makes special provision for the issuance of bonds by a subdivision of the state, but bonds can be issued under such Act only for the purpose of enabling the subdivision to participate in the federal aid provided by the National Industrial Recovery Act. Section 1 of said Amended Substitute Senate Bill No. 38, as amended, reads in part as follows:

“For the purpose of enabling municipal corporations and other subdivisions of Ohio to participate in federal aid provided by the ‘national industrial recovery act’ enacted by the seventy-third congress of the United States, and for that purpose only, the taxing authority of any municipal corporation or any other subdivision provided for in said act is hereby authorized to issue bonds, during the effective period of said act, subject to the provisions of sections 2293-1 to 2293-37, inclusive, of the General Code, except as hereinafter provided, and such bonds may be non-interest bearing for any number of consecutive years, beginning with the date of issue.”

It is seen, therefore, that bonds cannot be issued under this statute unless the federal aid in which the subdivision is to participate is the aid provided by the National Industrial Recovery Act. This act was passed by the seventy-third Congress and approved June 16, 1933, and by its terms a federal emergency administration of public works was created, all the powers of which are provided to be exercised by a federal emergency administrator of public works. Under this act the President is authorized, through the administrator or such other agencies as he may designate or create, among other things, to make grants to states, municipalities or other public bodies, for the construction, repair or improvement of public works, provided that no grants shall be in excess of thirty per centum of the cost of the labor and materials employed upon the project.

The Federal Emergency Relief Administration was not created by the provisions of the National Industrial Recovery Act but was created by the Federal Emergency Relief Act of 1933, passed by the seventy-third Congress and approved on May 12, 1933. Since this enactment, Congress has made appropriations from time to time to carry out the provisions of the act. The title of this act is "An Act to provide for cooperation by the federal government with the several states and territories and the District of Columbia in relieving the hardship and suffering caused by unemployment and for other purposes." By section 3a of the act there is created a federal emergency relief administration, all the powers of which are provided to be exercised by a federal emergency relief administrator. Section 4a of the act authorizes the administrator, out of funds made available therefor, to make grants to the several states and territories and the District of Columbia, for the purpose of furnishing relief, work relief, etc.

Since federal aid provided by the Federal Emergency Relief Administration is not aid provided by the National Industrial Recovery Act, and since said Amended Substitute Senate Bill No. 38, as amended, provides that bonds may be issued under its provisions for the purpose of enabling subdivisions to participate in federal aid provided by the National Industrial Recovery Act, and for that purpose only, I am of the opinion that bonds cannot be issued under the provisions of this act where the federal aid in which the subdivision is to participate is that provided by the Federal Emergency Relief Administration.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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3270.

APPROVAL, BONDS OF CUYAHOGA COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, October 3, 1934.

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

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3271.

APPROVAL, BONDS OF CUYAHOGA COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, October 3, 1934.

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