

3043.

DISAPPROVAL, BONDS OF WAYNE TOWNSHIP RURAL SCHOOL DISTRICT, WAYNE COUNTY, IN AMOUNT OF \$3,200.

COLUMBUS, OHIO, May 1, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re.: Bonds of Wayne Township Rural School District, Wayne county, in amount of \$3,200.

GENTLEMEN:—The above bonds are issued under authority of House Bill No. 254, 109 O. L. 191, which confers authority upon boards of education to issue bonds to meet deficiencies of the school year ending July 1, 1921.

In opinion No. 2984, dated April 13, 1922, I advised the Bureau of Inspection and Supervision of Public Offices that a municipality was without authority after January 1, 1922, to issue deficiency bonds under the provisions of House Bill No. 4, 109 O. L., page 17, owing to the fact that such House Bill No. 4 was repealed by the provisions of the Griswold act found in 109 O. L. 336, such repeal taking effect January 1, 1922, House Bill No. 4 and House Bill No. 254 containing substantially identical provisions, being different only in that House Bill No. 4 authorizes the funding of deficiencies of municipal corporations for the fiscal year ending December 31, 1921, whereas House Bill No. 254 authorizes the funding of deficiencies in school districts for the year after July 1, 1921. For reasons same as set forth in said opinion No. 2984 referred to I am also of the opinion that the authority conferred by House Bill No. 254 was repealed by the Griswold act and that boards of education have been since January 1, 1922, without authority to issue deficiency bonds under said act.

Since it appears from the transcript that the resolution of the Industrial Commission purchasing the bonds was not adopted until April 5, 1922, and that the bonds cannot be considered as having been issued prior to January 1, 1922, it follows that the board of education is without authority to issue said bonds at this time, and I advise the Industrial Commission not to purchase the same.

Respectfully,

JOHN G. PRICE,
Attorney-General.

3044.

DISAPPROVAL, STREET IMPROVEMENT BONDS, VILLAGE OF ST. CLAIRSVILLE, IN AMOUNT OF \$14,446.23.

COLUMBUS, OHIO, May 1, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re.: Street Improvement Bonds, village of St. Clairsville, in the amount of \$14,446.23.

GENTLEMEN:—The bonds under consideration were issued by the council of the village of St. Clairsville in anticipation of the collection of special assessments levied for the improvement of certain streets.

The transcript fails to show that council has made provision for the levy of a tax upon all the taxable property of the village to provide for any deficiency resulting from the failure to levy or collect special assessments. Such action on the part of council is by the terms of section 3914-1 G. C. mandatory and is an essential step in the proceedings to authorize the issuance of valid bonds.

I therefore advise the Industrial Commission that the bonds are not valid obligations of the village and that they should not purchase the same.

Very respectfully,

JOHN G. PRICE,
Attorney-General.

3045.

GRISWOLD ACT—INTERPRETATION OF SECTION 5649-1b G. C. OF SAID ACT—CERTIFICATE OF FISCAL OFFICER OF SUBDIVISION SHOULD INCLUDE STATEMENT THAT BONDS AUTHORIZED HAVE BEEN SOLD AND IN PROCESS OF DELIVERY—ORDINANCE AUTHORIZING BOND ISSUE SHOULD SPECIFY MATURITIES, RATE OF INTEREST AND TIME OF PAYMENT OF INTEREST OF BONDS.

1. *The certificate of the fiscal officer of the subdivision required to be made by section 5649-1b of the General Code (the Griswold act) should include a statement that the bonds authorized by the resolution, ordinance or other measure and certified to the auditor, have been sold and are in process of delivery.*

2. *The ordinance, resolution or other measure authorizing the issuance of bonds should specify the maturities, rate of interest and time of payment of interest of the bonds so authorized and the fiscal officer is required merely to certify the measure as passed without any separate schedule of amounts required to be levied in each year.*

COLUMBUS, OHIO, May 1, 1922.

Tax Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—The Commission request the opinion of this department as to the interpretation of certain provisions of section 15 of the so-called Griswold Law, 109 O. L. 336-344 therein designated as section 5649-1b of the General Code.

The Commission's letter is as follows:

"Section 15 of the Griswold law provides that 'every such resolution, ordinance and measure shall be certified by the fiscal officer of political subdivision to the county auditor in which the subdivision is located. Thereafter, the county auditor without further action by the tax levying authority of the subdivision shall include said annual levies in the appropriate annual budgets. * * *

Question: What constitutes a sufficient certification to the county auditor to warrant him in submitting said levies to the budget commissioners?

First: Should there not be a certificate of the fiscal officer accompanying the certification of the bond resolution declaring that the bonds had actually been sold and delivered?

Second: Should there not be a schedule with the above certification