

597.

APPROVAL, NOTES OF HUDSON TOWNSHIP RURAL SCHOOL DISTRICT, SUMMIT COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, April 14, 1933.

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

598.

JUDGMENT BONDS—AUTHORITY OF ELECTORS—NOT NECESSARY UNDER G. C. SEC. 2293-3—PAYABLE BY TAX LEVY INSIDE FIFTEEN MILL LIMITATION.

*SYLLABUS:*

*Judgment bonds issued under Section 2293-3, General Code, may be issued without authority of the electors regardless of the net indebtedness of a subdivision, and when so issued are payable by a levy of taxes inside the fifteen mill limitation.*

COLUMBUS, OHIO, April 15, 1933.

HON. JOHN W. BOLIN, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“May I have your opinion upon the following question:

Recently Athens County was sued and judgment recovered against said county for the sum of \$5000.00 in three suits filed by men injured in connection with the mine strike. Section 2293-3 provides for the issuing of bonds to pay final judgments in personal injury cases filed against the county or subdivisions. Also Section 2293-13 provides that bonds issued for final judgments in personal injury cases shall not be included in figuring the net indebtedness.

The auditor insists that the county has no right to issue bonds for final judgments in personal injury accidents without the vote of the people or outside of the fifteen mill limitation because amended Section 2, Article XII of the Constitution of Ohio, which went into effect January 1st, 1932.

The question I desire your opinion upon is: Can the Commissioners of Athens County when there are no funds available to pay final judgments in personal injury accident cases against the county issue bonds for said purpose outside of the fifteen mill limitation and without the vote of the electors as provided for under Section 2293-3 and Section 2293-13 of the General Code, or does Section 2, Article XII prevent this.”

Section 2293-3, General Code, authorizing the issuance of bonds for the payment of final judgments as therein set forth, contains no provision to the effect