

by this chapter or within the time so prescribed as extended pursuant to this section a penalty of ten per cent of the amount due and unpaid shall be added by the county auditor, and the taxes and penalty forthwith collected by the county treasurer."

It is seen from the above section that when the taxpayer fails to pay the amount of taxes determined by computation from the assessed value of the property, that is, the principal sum of taxes, when due, a penalty of ten percent of such principal sum is added.

It would seem to follow therefore, that inasmuch as the fifty percent penalty provided for by section 5390, General Code, supra, is upon the assessment of the property and is not upon the tax computed from the assessed value of the property, said penalty is not embraced within the term "penalties" as the same is employed in Amended Senate Bill No. 105.

In specific answer to your question, it is therefore my opinion that the provisions of Amended Senate Bill No. 105, second special session of the 90th General Assembly, with respect to the remission of penalties on delinquent personal and classified taxes, refer to penalties assessed for failure to pay such taxes when due and do not include penalties assessed under the provisions of section 5390, General Code, for failure to make return and list therein, all items of taxable property.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3899.

APPROVAL, BONDS OF SUGAR CREEK TOWNSHIP RURAL SCHOOL DISTRICT, GREENE COUNTY, OHIO, \$1,579.91.

COLUMBUS, OHIO, February 4, 1935.

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

3900.

APPROVAL, BONDS OF HELENA RURAL SCHOOL DISTRICT, SANDUSKY COUNTY, OHIO, \$682.00.

COLUMBUS, OHIO, February 4, 1935.

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

3901.

APPROVAL, BONDS OF BURLINGTON RURAL SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO, \$2,209.79 (LIMITED).

COLUMBUS, OHIO, February 4, 1935.

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

3902.

APPROVAL, BONDS OF SEAMAN VILLAGE SCHOOL DISTRICT, ADAMS COUNTY, OHIO, \$1,381.52.

COLUMBUS, OHIO, February 4, 1935.

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

3903.

APPROVAL, BONDS OF BRONSON TOWNSHIP RURAL SCHOOL DISTRICT, HURON COUNTY, OHIO, \$1,506.06.

COLUMBUS, OHIO, February 4, 1935.

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

3904.

APPROVAL, BONDS OF MIAMI TOWNSHIP RURAL SCHOOL DISTRICT, CLERMONT COUNTY, OHIO, \$2,685.25.

COLUMBUS, OHIO, February 4, 1935.

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

3905.

DISAPPROVAL, BONDS OF MADISON RURAL SCHOOL DISTRICT, LAKE COUNTY, OHIO, \$3,100.63.

COLUMBUS, OHIO, February 4, 1935.

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

Re: Bonds of Madison Rural School District, Lake County, Ohio, \$3,100.63.

GENTLEMEN:—I have examined the transcript of the proceedings relating to the above bond issue.

These bonds are proposed to be issued under House Bill No. 11 of the third special session of the 90th General Assembly. The amount of this bond issue is the amount of the net floating indebtedness of this district as of July 1, 1934, as certified by the Auditor of State. It appears, however, that this district issued bonds under the provisions of House Bill No. 17 of the first special session of the 90th General Assembly in the sum of \$11,709.22.

Since the amount of this former issue, which is actually in excess of the limitations for unvoted indebtedness, is very much greater than the amount of the present bond