

(2) The second and fifth sentences of said constitutional amendment abrogating the statutory and common law rule for damages, and providing additional compensation upon the conditions therein mentioned, in industrial employments, is self-executing when the general powers of the section are exercised. Therefore, said provision will be effective on and after January 1, 1924.

(3) The provision in the fourth sentence of said section requiring the setting aside of a fund for investigation purposes is mandatory and self-executing in so far as setting aside the fund is concerned. However, the provisions therein providing for an expenditure, are not self-executing, and said fund cannot be expended until laws are passed authorizing the same.

(4) In the administration of said constitutional amendment, the new provisions will not apply to cases in which the injury occurred prior to the taking effect of the amendment.

(5) The amended section provides no means for appointment of employes other than is now provided by statute, and confers no power upon the Industrial Commission in this respect.

In view of the above, it is assumed that a specific reply to your various questions will be unnecessary.

Respectfully,
C. C. CRABBE,
Attorney-General.

970.

APPROVAL, BONDS OF SHAWNEE VILLAGE SCHOOL DISTRICT, PERRY COUNTY, \$5,259.68, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, December 6, 1923.

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

971.

DISAPPROVAL, BONDS OF VILLAGE OF WILLARD, HURON COUNTY, \$38,430.00.

COLUMBUS, OHIO, December 7, 1923.

RE:—Bonds of Village of Willard, Huron County, \$38,430.00.

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

GENTLEMEN:—I have examined the three transcripts furnished this department in connection with the above issue of assessment bonds for street improvements.

Each of the transcripts recites that the amount of the issue as provided by the bond ordinance shall be "less the amount of cash assessments paid in by owners of property assessed."

The transcripts do not show any legislation whatever whereby the property owners have been bound by the council of the village for these issues of bonds, or that the property owners have had notice of the passage of such legislation as required by law. Such proceedings may have been had by the council of the village, and the same omitted from the transcripts, but further investigation in this respect is not deemed necessary, as such proceedings, if proper, would not be available for this issue in view of the provisions of section 3914 G. C. as amended, 110 Ohio Law, page 458. Said section is as follows:

“Municipal corporations may issue bonds in anticipation of the collection of special assessments. Such bonds may be in sufficient amount to pay that portion of the estimated cost of the improvement or service for which the assessments are levied. In the issuance and sale of such bonds the municipality shall be governed by all restrictions and limitations with respect to the issuance and sale of other bonds, and the assessments as paid shall be applied to the liquidation of such bonds. Municipal corporations may borrow money and issue notes, due and payable not later than two years from the date of issue, in anticipation of the levy of special assessments or of the issuance of bonds as provided in this section. The notes shall not exceed in amount that portion of the estimated cost of the improvement or service for which the assessment is levied. The proceeds of bonds issued in anticipation of the collection of assessments and all of the assessments collected for the improvement shall be applied to the payment of the notes and interest thereon until both are fully paid; and thereafter said assessments shall be applied to the payment of said bonds and interest thereon. Council ordinances and proceedings relating to the issuance of such bonds or notes shall not require publication.”

It is therefore observed that this section now provides for the issuance of temporary notes not to exceed two years in time in anticipation of the levy of special assessments, or of the *issuance of bonds*.

The statute further provides that the proceeds of bonds issued in anticipation of the collection of assessments shall be applied to the payment of the notes and interest thereon.

This statute as now amended provides that bonds may be issued in anticipation of the *collection* of special assessments. The bond ordinances in each case presented provide for the issuance of bonds in anticipation of the *levy* of special assessments only.

It may be further observed that amended section 3914 G. C. is now intended to provide only for the issuance of bonds to take care of the exact amount outstanding and properly chargeable against property owners after the completion of the work.

In view of the foregoing discrepancies and failure to comply with the statutory requirements on the part of the village, I am of the opinion that the proceedings furnished this department do not show that the bonds will be legal and binding obligations of the village, and therefore advise the Industrial Commission not to purchase the same.

Respectfully,
C. C. CRABBE,
Attorney-General.