

day noted my approval thereon, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5907.

APPROVAL — CONTRACT FOR HEATING FOR PROJECT KNOWN AS ADDITION TO HOSPITAL AND REMODELING WOMEN'S WARDS, ATHENS STATE HOSPITAL, ATHENS, OHIO, \$9,329.00, GLOBE INDEMNITY COMPANY, SURETY—GEIGER BROS. OF LOGAN, OHIO, CONTRACTOR.

COLUMBUS, OHIO, July 28, 1936.

HON. CARL G. WAHL, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and Geiger Bros. of Logan, Ohio. This contract covers the construction and completion of contract for heating for a project known as Addition to Hospital and Remodeling Women's Wards, Athens State Hospital, Athens, Ohio, in accordance with Item No. 3 and Item No. 10 (Alt. H-2), of the form of proposal dated July 1, 1936. Said contract calls for an expenditure of Nine Thousand Three Hundred and Twenty-nine dollars (\$9,329.00).

You have submitted the certificate of the Director of Finance, to the effect that there are unencumbered balances legally appropriated, in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate of the Controlling Board, showing that such board has released funds for this project, in accordance with section 1 of House Bill No. 504, of the regular session of the 91st General Assembly.

In addition, you have submitted a contract bond upon which the Globe Indemnity Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also, it appears that the law relating to the status of surety companies and the Workmen's Compensation have been complied with.

Finding said contract and bond in proper legal form, I have this

day noted my approval thereon, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5908.

TRANSFER OF SCHOOL TERRITORY—SCHOOL DISTRICT
CREATED WITHIN COUNTY FROM TWO FORMER DIS-
TRICTS—EFFECT UPON TAXING RATE OF NEW DIS-
TRICT—WHEN TRANSFER REQUIRED TO BE MADE
BY COUNTY BOARD OF EDUCATION.

SYLLABUS:

1. *Where a new school district is created from two or more districts under Section 4736, General Code, and one or more, but not all, of said districts, have voted tax levies for any purpose outside of the limitations of Section 2 of Article XII of the Constitution, such new district may not levy such taxes outside of limitations for such purpose until the proposition to make such levy has been submitted to and approved by the electors of the new district, provided that no contractual obligations incurred by such old district or districts are thereby impaired.*

2. *The creation of such new district cannot affect the rights of the holders of bonds issued by any of the absorbed districts to compel the levy of the rate of taxation upon the property of such old district or districts which they were authorized to levy when the bonds were issued, if such levy be necessary to pay such bonds.*

3. *Where a new district is created from two old districts, one of which had issued bonds and prior to their issuance had voted a levy therefor outside of the limitations of Section 2 of Article XII of the Constitution, and sufficient taxes to pay said bonds cannot be levied inside such limitations, it is the duty of the taxing authority of the new district to levy outside such limitations a sufficient rate of taxation upon the property of such old district to make up the deficiency so that said bonds and interest can be paid at maturity.*

4. *When a petition is filed with a county board of education asking for the transfer to another county school district of certain school territory described in the petition and lying within a district of the county school district within which said county board of education functions, signed by 75% or more of the electors residing within the territory so described, it becomes the mandatory duty of the county board of education to make the transfer so requested, unless the territory described is a part of a dis-*