

941.

BONDS—SECTION 2295-11 G. C. PROVIDING FOR INCLUSION OF ONE YEAR'S INTEREST ON ALL BOND ISSUES IN PRINCIPAL SUM OF SAID BOND IS NOT APPLICABLE TO HOUSE BILL No. 599 (Section 5655-3 G. C.).

SYLLABUS:

Section 2295-11 of the General Code of Ohio providing for the inclusion of one year's interest on all bond issues in the principal sum of said bond is not applicable to House Bill No. 599 as enacted by the last legislature.

COLUMBUS, OHIO, November 30, 1923.

HON. R. M. OSTRANDER, *Prosecuting Attorney, Painesville, Ohio.*

DEAR SIR:—I am in receipt of your recent communication in which you ask:

“Can a board of education under paragraph 4, section 5665 G. C. as amended in 110 O. L., p. 324, include in the principal sum of said bond issue an amount sufficient to care for interest maturing previous to the receipt of taxes from which such interest is to be ultimately paid for a period not exceeding one year as provided in section 2295-11 of the General Code?”

Section 5655-3, General Code, as amended in 110 O. L., p. 324 provides:

“Upon receiving the certificate of net floating indebtedness from the auditor of state each board of education having any such indebtedness in excess of four hundred dollars shall proceed to issue the bonds or notes of the school district in the total sum of said indebtedness. Such bonds or notes shall be full general obligations of the school district and shall be divided into sixteen substantially equal semi-annual installments, the first installment falling due on February, 1, 1924, and subsequent installments falling due every six months thereafter, the final installment to fall due on August 1, 1931. Such bonds or notes shall bear interest at a rate not to exceed six per cent per annum, and shall be issued or sold in the manner provided by law. The proceeds thereof shall be applied immediately to the payment of existing indebtedness or shall be held for the retirement of bonds or notes falling due prior to January 1, 1924 and it shall be unlawful to use such proceeds for any other purpose. At the time of the issue of such bonds, the board of education shall levy a tax for the payment of the interest and principal thereof.”

Section 2295-11, General Code, provides:

“The cost of construction of any building, utility or improvement may be construed to include interest payable during construction on bonds issued for such construction. A sum not to exceed one year's interest on any bond issue may be included in the amount of the issue to the extent necessary to care for interest maturing previous to the receipt of the taxes or assessments from which such interest is to be ultimately paid.”

The above section permits the inclusion in all bond issues in which interest will mature before collection of taxes, in which will be the levy for said interest, of a sum

not to exceed one year's interest from such bond issues, unless there is a clear intent of the legislature to exclude same.

From the wording of section 5655-3, General Code, "upon receiving the certificate of net floating indebtedness from the auditor of state each board of education having any such indebtedness in excess of four hundred dollars shall proceed to issue bonds or notes of the school district in the total sum of said indebtedness," it would seem to indicate that the bonds were to be issued for the amount as certified by the auditor of state not to include interest for one year; in an ordinary case in which section 2295-11 G. C. applies, the amount of the issue is left to the judgment of the legislative body issuing the bonds, and in that way differs from the section under discussion.

This view is further pertinent if we take into consideration the history of the act for the purpose of arriving at the intent of the legislature. This act was a companion bill to the so-called Taft Bill or House Bill No. 20, found in 110 O. L., p. 464, and was to operate in conjunction with same.

Section 21 of House Bill No. 20, found in 110 O. L., p. 465, provides in part:

"The board of education of every school district shall annually prior to May first determine and set out in a school district budget, the amount necessary for school purposes during the ensuing fiscal year. They shall include in the budget:

A. The full amount required for the payment of the principal, interest and sinking fund charges due on all bonds or notes of said school district or board of education, except amounts required for bonds and notes on which the principal, interest and sinking fund charges in the calculation of the 1922 tax were included within a statutory limit of 15 mills and have not subsequently by vote of the people been removed from said statutory limit or the limit provided by this act. * * *

Section 13 of the same act provides:

"The board shall first allow all amounts properly requested under the provisions of section 1, paragraphs A and B; section 2, paragraphs A. and B; section 3, paragraphs A, B and E; section 4, paragraphs A and B, and under section 5 for the interest, principal and sinking fund charges for public library bonds, including all taxes already levied against which bonds of the subdivision have been lawfully issued; they shall then allow all amounts the levy of which is made compulsory by law. * * *

Section 15 of the same act provides:

"Within the limits of any municipality, the board shall reduce the amounts requested from general taxation in the budgets presented under the provisions of sections 1, 2, 3, 4 and 5 of this act exclusive of the levies requested under the provisions of section 1, paragraph A, section 2, paragraph A; section 3, paragraph A; section 4, paragraph A; * * *

It would seem from the reading of the above sections that all bond issues under sections 5655-1 to 5655-3 G. C. would have been included in the 1923 budget, and there would have been levied and in the hands of the various school boards sufficient money to pay the interest on maturity.

Further facts tending to this conclusion are that the act was passed April 6, 1923, filed in the office of the secretary of state April 27, 1923, and went into effect July 28, 1923.

The county auditor must take cognizance of all laws relating to his duties, and as he is in position to know the financial condition of each school district in his county, he in submitting his budget should make some provision for including a levy so that there would be sufficient money to care for the interest and maturities for the first year.

It thus seems, therefore, that it was the intent of the legislature not to include the first year's interest in the principal sum of said bonds.

It is therefore my opinion that an amount sufficient to care for interest maturing for the first year on bonds issued under sections 5655-1 to 5655-3, General Code of Ohio, should not be included in the principal sum of said bonds.

Respectfully,

C. C. CRABBE,
Attorney-General.

942.

LICENSE—UNDER SECTION 12711 G. C. A PERSON MAY MAINTAIN MORE THAN ONE OFFICE IF A LICENSE IS DISPLAYED.

SYLLABUS:

Under the laws of Ohio a person may maintain more than one office if said person displays a license in conformity with section 12711 G. C.

COLUMBUS, OHIO, November 30, 1923.

DR. RAY R. SMITH, *Secretary Ohio State Dental Board, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your recent communication as follows:

“We are receiving so many inquiries about dentists coming and operating two or more offices. I would like an opinion of your interpretation of the law in this matter; also how would section 12711 be applicable in such cases?”

Section 12711, General Code of Ohio, provides:

“Whoever engages in the practice of dentistry and fails to keep displayed in a conspicuous place in the operating room in which he practices, and in such manner as to be easily seen and read, the license granted him pursuant to the laws of this state shall be fined not less than fifty dollars nor more than one hundred dollars.”

By the above section a person practicing dentistry must keep on display at all times in the operating room his license to practice. It is conceivable that a person having one or more offices might, by taking his license with him, be able to display the same in all offices while engaged in said practice.

Investigation of other statutes relating to the practice of dentistry fails to reveal any section which would prevent any person from having more than one office when the practice in such office is in compliance with the statutes relating to the practice of dentistry.

It is therefore my opinion that a person may, under the law in Ohio, maintain more than one office if such person displays a license in conformity with section 12711 G. C.

Respectfully,

C. C. CRABBE,
Attorney-General.