

unencumbered balance legally appropriated sufficient to cover the obligations of this contract.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

2722.

APPROVAL, BONDS OF MT. VERNON CITY SCHOOL DISTRICT, KNOX COUNTY, OHIO, IN AMOUNT OF \$24,000.

COLUMBUS, OHIO, December 21, 1921.

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

2723.

DISAPPROVAL, BONDS OF NEW PLYMOUTH SPECIAL SCHOOL DISTRICT, VINTON COUNTY, OHIO, IN AMOUNT OF \$5,000.

COLUMBUS, OHIO, December 21, 1921.

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

Re: Bonds of New Plymouth special school district, Vinton county, in the amount of \$5,000 to construct a school house.

GENTLEMEN:—The officials of New Plymouth special school district, having charge of the issuance of the above described bonds, have made several efforts to submit a proper transcript showing authority for the issuance of the bonds. The last transcript submitted does not contain any evidence that the board of education ever authorized the issuance of the bonds. Judging from the certificates contained in this transcript, however, it appears that the board of education in November, 1920, submitted to the electors the question of levying a five mill tax on all of the taxable property of the school district for a period of six years for the purpose of building a school building, and a further tax of two mills as a sinking fund. It appears further from the certificate that this election carried and I take it from other disconnected information contained in the transcript that the board of education desires to issue bonds in the amount of \$5,000 in anticipation of the collection of the extra tax so voted.

The only provision of the General Code whereby a board of education may issue bonds without a vote of the electors directly given on the question of issuing such bonds for the purpose of constructing a school building, is found in 7629 G. C. Under this section, however, the amount of bonds which can be issued in any one year is limited to an amount equal to a tax of two mills

upon the tax duplicate of the district for the preceding year. The transcript discloses that the tax duplicate of New Plymouth special school district is \$207,250. Therefore, the board of education is authorized to issue bonds in any one year up to \$414.50. It is clear therefore that the bonds under consideration, even though the board of education has adopted a resolution authorizing their issuance, which does not appear from the transcript, are in excess of the amount which the board of education can lawfully issue in any one year and that they are therefore not valid and binding obligations of the school district.

I therefore advise the industrial commission not to accept the same.

Respectfully,

JOHN G. PRICE,

*Attorney-General.*

2724.

APPROVAL, BONDS OF SULPHUR SPRINGS CONSOLIDATED SCHOOL DISTRICT, CRAWFORD COUNTY, OHIO, IN AMOUNT OF \$90,000.

COLUMBUS, OHIO, December 21, 1921.

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

2725.

STATE LIBRARY BOARD—NO AUTHORITY TO FIX SALARY OF STATE LIBRARIAN—LEGISLATURE DID FIX AND PROVIDE SAID SALARY IN APPROPRIATION BILL (109 O. L. 467).

(1) *The state library board has no authority to fix the salary of the state librarian and he cannot legally receive any salary except as provided by the legislature.*

(2) *In the existing permanent statutes the legislature failed to provide a salary for the state librarian. However, in the appropriation bill for the biennial period beginning July 1, 1921 (109 O. L. 467), the legislature did fix and provide for said salary for the period of two years at three thousand dollars per year, and there is no legal authority for the payment of any greater amount.*

COLUMBUS, OHIO, December 21, 1921.

HON. VERNON M. RIEGEL, *Superintendent of Public Instruction as Director of Education, Columbus, Ohio.*

DEAR SIR:—In your recent communication you request my opinion as follows:

“Section 2250, prior to its amendment by the enactment of the Administrative Code, H. B. 249, fixed the salary of the state librarian at \$3,000. In amended section 2250 of the Administrative Code no provision is made for the salary of the state librarian, nor is any provision