alternative. The board may pay the tuition of pupils, who reside more than four miles from the high school maintained by the board, in a nearer high school if the pupils attend such nearer high school, but needs not do so if it furnishes transportation to its own high school. It must, however, as I interpret the statute, do one or the other.

If the board chooses to furnish transportation for high school pupils, who live more than four miles from the high school maintained by it as Section 7749-1, General Code, permits it to do, or if it furnishes such transportation upon the order of a county board of education, it is relieved from paying tuition for pupils, who choose to attend a nearer high school. This proposition was considered in Opinion No. 1672, rendered by this office on February 3, 1928, to which opinion you refer in your letter. It was therein held:

> "A board of education, which does not furnish transportation to the high school maintained by it, is required to pay the tuition of pupils residing within the district and more than four miles from such school, who attend a nearer high school in another district."

You quote from the body of said Opinion No. 1672 and state that according to the language quoted, "it would seem that it is mandatory upon the board of education to furnish transportation in all cases where pupils are more than four miles from the high school." It does not seem to me that the language quoted is susceptible of the interpretation you place upon it. It is not mandatory to furnish transportation to a high school, unless the county board of education deems and declares it to be advisable and practicable to do so. The local board may furnish this transportation, however, if it wishes to do so, but if it does not choose to do so and the county board of education does not require it to do so, it then becomes mandatory to pay the tuition of the pupils, who reside more than four miles from the high school maintained by it who attend a nearer high school, which they may do if they choose.

Specifically answering your question, it is my opinion that high school pupils, who reside more than four miles from the high school maintained by the board of education in a rural school district where the elementary schools have not been centralized, are not entitled to transportation to such high school unless the county board of education deems and declares such transportation to be advisable and practicable, but if transportation is not furnished to such pupils and they choose to attend a nearer high school in another district, the board of education is responsible for their tuition in the nearer high school.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2260.

WHITE WAY LIGHTING SYSTEM—CITY MAY ISSUE BONDS TO INSTALL.

SYLLABUS:

A city may issue bonds for the purpose of installing a white way lighting system.

COLUMBUS, OHIO, June 20, 1928.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge the receipt of your recent communication, which reads as follows:

"The City of ---------- has a contract with an electric power company for street lighting but desires to have so-called white way lighting installed on one of its principal streets.

Question: May a city issue bonds for the purpose of installing a white way lighting system under the above conditions?"

Section 3812-4, General Code, provides in part:

"The council of a city upon the recommendation of the director of public service, or the council of a village, may provide for lighting any street, alley, dock, wharf, pier, public road or place, or parts thereof, and levying and collecting special assessments therefor, by any one of the methods mentioned in Section 3812, General Code of Ohio.

* * * * * * * * * * * "

The above section was under consideration in an opinion rendered to your bureau under date of May 4, 1923, appearing in Opinions of the Attorney General, 1923, page 226, wherein, in answer to your question as to whether, under the provisions of the above section, the entire cost of street lighting might be assessed against abutting, contiguous or benefited property, or whether a city must assume not less than two per cent and the cost of intersections, it was held, as stated in the first and second branches of the syllabus:

1. "Under the provisions of Section 3812-4 of the General Code, when read in connection with Section 3820 of the General Code, the entire cost of street lighting may not be assessed against abutting, adjacent and contiguous or other specially benefited lots or lands.

2. Under the provisions of Section 3812-4 of the General Code, the corporation must assume not less than one-fiftieth of the entire cost, and must pay the cost of intersections in providing for the lighting of a street."

Section 3820, General Code, above referred to, provides:

"The corporation shall pay such part of the cost and expense of improvements for which special assessments are levied as council deems just, which part shall be not less than one-fiftieth of all such cost and expense, and in addition thereto, the corporation shall pay the cost of intersections."

Under the provisions of Section 3820, General Code, a municipal corporation is required to pay a portion of the cost of an improvement for which assessments may be levied, which shall not be less than one-fiftieth and the cost of intersections, and may, if it chooses so to do, pay the entire cost thereof.

The power of a municipal corporation to issue bonds for the construction or acquisition of improvements is now found in and is governed by the provisions of The Uniform Bond Act (112 O. L. 364). Your attention is directed to Section 2293-2, General Code, which is a part of The Uniform Bond Act, and which provides:

"The taxing authority of any subdivision shall have power to issue the bonds of such subdivision for the purpose of acquiring or constructing, any permanent improvement which such subdivision is authorized to acquire

or construct. But no subdivision or other political taxing unit shall create or incur any indebtedness for current operating expenses, except as provided in Sections 2293-3, 2293-4, 2293-7 and 2293-24 of the General Code. The estimate of the life of permanent improvements proposed to be acquired, constructed, improved, extended or enlarged from the proceeds of any bonds shall be made in any case by the fiscal officer of the subdivision and certified by him to the bond-issuing authority and shall be binding upon such authority."

The authority to issue bonds for the construction or acquisition of permanent improvements must, however, be read in connection with the statutory definition of "permanent improvement", as it is found in Section 2293-1, General Code. The term "permanent improvement", is defined in the last mentioned section as follows:

" * * * * * * * * * *

(e) 'Permanent improvement' or 'improvement' shall mean any property, asset or improvement with an estimated life or usefulness of five (5) years or more, including land and interests therein, and including reconstructions, enlargements and extensions thereof having an estimated life or usefulness of five years or more. Reconstruction for highway purposes shall be held to include the resurfacing but not the ordinary repair of highways.

* * * * * * * * * * * "

The only limitation of the right of a municipal corporation to issue bonds for the acquisition or construction of a street lighting improvement is that the property must have an estimated life or usefulness of five years or more.

The fact that the city has a contract with an electric power company for street lighting does not, in my opinion, affect its right to construct or install a so-called white way lighting system on any of its streets, unless there is something in the contract which would preclude the city from providing a system of lighting other than the one specified in the contract during the period the contract is to run.

Answering your question specifically, it is my opinion that a city may issue bonds for the purpose of installing a white way lighting system.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2261.

MOTOR VEHICLE—SWORN STATEMENT OF OWNERSHIP NOT SUBSTITUTE FOR BILL OF SALE.

SYLLABUS:

A sworn statement of ownership of a used motor vehicle cannot be made to accomplish the purpose of a bill of sale of such used motor vehicle.

COLUMBUS, OHIO, June 20, 1928.

HON. CHALMERS R. WILSON, *Commissioner Motor Vehicles, Columbus, Ohio.*

DEAR SIR:—I am in receipt of a communication from Mary Gray McBride, Clerk