

2702.

APPROVAL, BONDS OF AMELIA CONSOLIDATED RURAL SCHOOL DISTRICT, CLERMONT COUNTY, OHIO—\$60,000.00.

COLUMBUS, OHIO, December 20, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2703.

ISSUANCE OF BONDS—LEVY OUTSIDE FIFTEEN MILL LIMITATION MAY BE MADE WHEN—WHAT EFFECT SECTION 2, ARTICLE XII OF THE CONSTITUTION AS AMENDED, HAS ON A LEVY WHEN NOTES OR BONDS HAVE BEEN AUTHORIZED AND SUCH BONDS ARE OUTSTANDING—CONDITIONS NOTED.

SYLLABUS:

In the event notes are issued before January 1, 1931, under the provisions of Section 2293-25, General Code, in anticipation of the issuance of bonds then authorized to be issued under the provisions of Sections 1223 and 2293-26, General Code, the levy provided in Section 1222, General Code, in anticipation of which such notes and bonds have been authorized, would be unaffected by Section 2, Article XII of the Constitution as amended, so long as any of such bonds are outstanding.

COLUMBUS, OHIO, December 20, 1930.

HON. LEROY W. HUNT, *Prosecuting Attorney, Toledo, Ohio.*

DEAR SIR:—I am in receipt of a letter from Harry S. Commager, Assistant Prosecuting Attorney of your county, which is as follows:

“Under date of June 2nd, 1930, you rendered an opinion, being Number 1932, determining under what conditions a levy could be made outside of the fifteen mill limitation for the retirement of bonds issued under Section 1223 of the General Code. This opinion does not determine the limitations of such levies where notes are issued prior to January 1st, 1931, in anticipation of the issuance of bonds issued pursuant to said Section 1223, wherein bonds have been authorized but not issued before said date.

May we request an opinion on this question:

Can a levy be made outside of the fifteen mill limitation under the provisions of Section 1222 of the General Code, where legislation has been duly passed providing a declaration of necessity for the issuance of bonds, fixing the amount of the bonds, the date of issuance, maturities, and interest, providing for a levy to be certified and extended upon the tax duplicate and collected, determining the necessity to issue notes in anticipation of the issuance of said bonds, and the actual issuance of said notes prior to January 1st, 1931, wherein the bonds are not to be issued until after January 1st, 1931?”

Opinion No. 1932, to which you refer, held as disclosed by the syllabus: