

school district, which petition is signed by three-fourths of the electors residing in the territory sought to be transferred, it becomes the mandatory duty of the county board of education to make the transfer as prayed for in the petition unless some part of the territory sought to be transferred had been transferred within five years from the date of the filing of the petition, in which case the duty to make the transfer is mandatory only when it is approved by the state director of education. If the territory sought to be transferred is all or a part of a centralized rural school district, the duty developing upon the county board to make the transfer is not mandatory. The transfer may, however, be made by the county board of education if the petition seeking the transfer is signed by two-thirds of the electors residing in the territory to be transferred.

It appears from your inquiry that a proposed bond issue and tax levy to meet the demands of such issue will be voted on at the coming election in the school district from which it is proposed to detach certain territory. This fact, in my opinion, does not affect the right to transfer the territory. The law relative to transfers of school territory contains no exceptions or qualifications applicable to cases where proposed bond issues or other propositions are pending. Even though arrangements have been made to submit a question of issuing bonds to the voters of the school district, there appears to be nothing in the law to suspend the operation of the laws relating to transfers of school territory.

I am of the opinion that transfers of school territory may be made, in accordance with the rules hereinbefore discussed, even though a vote on a proposed bond issue has been authorized and will be submitted at the next election to the electors of one of the districts involved in the transfer.

If, under those circumstances, a proposal of that kind should carry at an election in a district from which territory had been detached after the vote had been authorized, it is probable the marketability of bonds issued by authority of the vote might be somewhat affected, but that fact would not prevent transfers of territory in pursuance of the statutes relating thereto.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1092.

APPROVAL, ONE GAME REFUGE LEASE.

COLUMBUS, OHIO, October 23, 1929.

HON. J. W. THOMPSON, *Chief, Division of Conservation, Columbus, Ohio.*

DEAR SIR:—I have your letter of October 22, 1929, in which you enclose the following State Game Refuge lease, in duplicate, for my approval:

<i>No.</i>	<i>Lessor</i>	<i>Acres</i>
2055	Frank C. Medick, Franklin County, Sharon Township-----	86.19

I have examined said lease, find it correct in form, and I am therefore returning the same, with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*