

1830.

TOWNSHIP MEMORIAL—INTEREST AND SINKING FUND LEVY FOR RETIREMENT OF BONDS ISSUED FOR SAID PURPOSES SUBJECT ONLY TO FIFTEEN MILL LIMITATION OF SECTIONS 5649-1 AND 5649-5b G. C.

The interest and sinking fund levy for the retirement of bonds issued for township memorial purposes (108 O. L., Part 1, p. 542) is subject only to the fifteen mill limitation of sections 5649-1 and 5649-5b of the General Code.

COLUMBUS, OHIO, January 31, 1921.

HON. J. F. VANDENBROEK, *Prosecuting Attorney, Napoleon, Ohio.*

DEAR SIR:—You have requested the opinion of this department as follows:

“Does the limitation of taxation in the building of a memorial building to soldiers, sailors, etc., as per sections 3410-1 to 3410-11 G. C. (108 Ohio Laws, Part 1) come under the fifteen mill limitation, or does the statute provide special levy for taxes for such projects?”

The act to which you refer (108 O. L., Part 1, p. 542) provides for the submission by the township trustees to the electors of the township of the proposition of issuing bonds for the erection of a memorial. If the proposition carries the bonds may be issued, and it is provided by section 3 that:

“The township trustees shall at the time such bonds are authorized to be issued, provide for levying and collecting annually by taxation an amount sufficient to pay the interest thereon and to create a sinking fund for their redemption at maturity, and shall levy annually a sufficient tax for such purpose.”

No other provision is found in the act relative to the tax levy mentioned in this sentence.

It is the opinion of this department that this tax levy is to be treated for tax limitation purposes exactly like any other levy for interest and sinking fund of bonds issued by a vote of the people. Under section 5649-1 of the General Code, which need not be quoted, this levy is preferred and must be placed on the duplicate for the full amount in preference to all other levies made by the township trustees. By virtue of section 5649-2 of the General Code this levy is exempt from the ten mill limitation; and under favor of the decision in *State ex rel. vs. Sanzenbacher*, 84 O. S., 506, the same exemption extends to the so-called interior limitation, which is now one and one-half per cent for township purposes. By virtue of the express provisions of section 5649-5b, however, this levy is to be counted in applying the fifteen mill limitation and is subject thereto.

Respectfully,

JOHN G. PRICE,
Attorney-General.