

the purpose of tearing down or repairing buildings and correcting or removing hazardous conditions in pursuance of the provisions of Section 836-2, General Code.

3. No bids are required for the letting of work such as is authorized by Section 836-2 of the General Code.

Respectfully,
GILBERT BETTMAN,
Attorney General.

637.

HOUSE BILL NO. 343—LIMITING TRANSFERS OF SCHOOL DISTRICT TERRITORY—RETROSPECTIVE.

SYLLABUS:

After the effective date of House Bill No. 343 of the 88th General Assembly, no territory of a school district, or part of such territory, which had at any time been transferred to another school district by authority of Section 4696, General Code, may be transferred out of the district to which it had been transferred by authority of said section of the Code, until after five years from the date of the original transfer, without the approval of the state director of education to such transfer.

COLUMBUS, OHIO, July 22, 1929.

HON. J. L. CLIFTON, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“House Bill 343 provides that if territory is transferred by Section 4696 it may not be retransferred for five years. Does this govern those districts, or parts of districts, which were transferred prior to the date that the new bill takes effect? In other words, if a piece of territory was transferred from one county school district to another July 1, 1927, and has continued to this time as transferred, must it remain in the county school district in which it now is until July 1, 1932?”

Section 4696, General Code, as it existed prior to the enactment of House Bill No. 343 of the 88th General Assembly, authorized a county board of education to transfer “a part or all of a school district of the county school district to an exempted village, city or county school district, the territory of which is contiguous thereto,” upon petition of a majority of the electors residing in the territory to be transferred, and provided that upon petition of seventy-five per cent of the electors residing in the territory proposed to be transferred, the duty to make such transfer was mandatory.

As amended in said House Bill No. 343, said Section 4696 was not changed except that there was added a limitation to the authority and duty to make transfers under the statute, in the following language:

“Any territory which has been transferred to another district, or any part of such territory, shall not be transferred out of the district to which it has been transferred during a period of five years from the date of the original transfer without the approval of the state director of education to such a transfer.”

It is well settled that the boundaries of a school district may be changed at the will of the Legislature and that the authority to make such changes may be delegated to local school authorities. When delegated to local authorities, the transfers can only be made in accordance with and subject to such limitations as the Legislature prescribes.

The limitation prescribed by the amendment to Section 4696, General Code, is not by its language confined to territory transferred into a school district after the passage of the act or the effective date of the act, but limits the transfer of any territory or part of such territory that had been transferred by virtue of the statute, and in my opinion, applies to any transfer made by authority of the statute no matter when made.

I am therefore of the opinion, in specific answer to your question, that if any part of the territory of a school district was transferred from one county school district to another by authority of Section 4696, General Code, on July 1, 1927, and has continued to the effective date of said House Bill No. 343, as transferred, it cannot be transferred out of the district to which it had been transferred, by authority of Section 4696, General Code, until July 1, 1932, unless it be done with the approval of the state director of education.

Respectfully,
GILBERT BETTMAN,
Attorney General.

638.

APPROVAL, LEASES TO OHIO CANAL LANDS IN COSHOCTON AND
SCIOTO COUNTIES.

COLUMBUS, OHIO, July 22, 1929.

HON. R. T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval four certain leases in triplicate by which you as Superintendent of Public Works and as Director of such department, have leased and demised certain parcels of Ohio canal property for terms of fifteen years each, which leases with reference to the respective names of the lessees, the location of the property and the valuations thereof are as follows:

<i>Name</i>	<i>Location of Property</i>	<i>Valuation</i>
Edward L. Robb,	Lafayette Township, Coshocton County-----	\$200.00
Howard Zinkon,	Lafayette Township, Coshocton County-----	200.00
D. G. Gayle,	Tuscarawas Township, Coshocton County-----	500.00
Charles Franklin,	Rush Township, Scioto County-----	250.00

The rent reserved in each of said leases is an annual rental of six per cent on the respective valuations of the property covered by the lease.

Careful examination of the above mentioned leases shows that they have been executed in all respects in conformity to the provisions of Sections 13965 and other related sections applicable to leases of this kind.

There being no reasons apparent why these leases should not be approved by this department, the same and each of them are hereby approved and my approval is endorsed upon said leases and upon the duplicate and triplicate copies thereof.

Respectfully,
GILBERT BETTMAN,
Attorney General.