

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

---

3470.

DISAPPROVAL, BONDS OF JERSEY SPECIAL RURAL SCHOOL DISTRICT,  
 \$4,500.

COLUMBUS, OHIO, August 7, 1922.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

Re: Bonds of Jersey Special Rural School District, \$4,500.

GENTLEMEN:—The resolution authorizing the issuance of the above bonds, copy of which is set forth in the transcript submitted, recites that said bonds are issued under authority of section 7630-1 G. C. pursuant to an order of the Industrial Commission prohibiting the use of a school building.

Section 7630-1, referred to above, provides as follows:

*“If a school house is wholly or partly destroyed by fire or other casualty, or if the use of any school house or school houses for their intended purpose is prohibited by an order of the Industrial Commission of Ohio or its successor in such authority, and the board of education of the school district is without sufficient funds applicable to the purpose, with which to rebuild or repair such school house or to construct a new school house for the proper accommodation of the schools of the district, and it is not practicable to secure such funds under any of the six preceding sections because of the limits of taxation applicable to such school district, such board of education may issue bonds for the amount required for such purpose. For the payment of the principal and interest on such bonds and on bonds heretofore issued for the purpose herein mentioned and to provide a sinking fund for their final redemption at maturity, such board of education shall annually levy a tax as provided by law.”*

The authority of the board of education of Jersey Special Rural School District to issue bonds under the above quoted section, which carries with it the unusual power of levying taxes for the payment of such bonds and interest outside of all tax limitations, must of necessity depend upon the issuance by the Industrial Commission of an order broad enough in its terms to create the situation defined in said section. A copy of the order of the Industrial Commission relied upon by the board of education, being school order No. 872, is embodied in the bond resolution and is as follows:

*“School Order No. 872.*

(1) Provide a heating system which will uniformly heat all corridors and hallways to a temperature of 65 degrees in zero weather and will uniformly heat all other parts of the building to 70 degrees in zero weather. The heating system shall be combined with a system of ventilation which will change

the air in all parts of the building except the corridors and hallways not less than six times per hour.

(2) Plans and specifications in duplicate showing in detail the proposed system of heating which may be adopted must be submitted to this department for examination and approval before proceeding with the installation.

(3) Convert the open space under north room at entrance to building into a vestibule. Vestibule to be properly lighted with glass lighting.  
To be complied with within ninety (90) days.

*Note:*

The above orders are issued for the following reasons:

Building has a cubical air content above basement of 47,000 cubic feet exclusive of corridors and hallways requiring six changes per hour equalling 282,000 cubic feet of air per hour at a temperature of 70 degrees in zero weather. Corridors and hallways have an air content of 8,000 cubic feet or a total cubical air content of 55,000 cubic feet.

The present system of hot air heating consists of two separate units, having an aggregate capacity of 250,000 cubic feet of air per hour at a temperature of 70 degrees in zero weather, exclusive of corridors and hallways which must be heated to a temperature of 65 degrees in zero weather.

As an example of the inadequacy of the present system the recitation room on north side of building cited. This room has a northern exposure on three sides and underneath of 65% of its entirety. Twenty-eight per cent of its wall surface is glass exposure. Ducts conveying heat to this room have a travel length of about 35 feet to registers. Seventy-five per cent of travel is horizontal. During severe winter weather conditions the heat supply for this room is inadequate and its use restricted. It is impossible for the present system to supply an adequate heat under existing conditions which justify the necessity of the orders.

I refer you to sections 871-22, to 1030 inclusive of the Ohio General Code.  
Awaiting notification immediately upon compliance.

Yours truly,

E. U. WHITACRE,  
Chief of Division.

I do not find any language in the above quoted school order which amounts to a prohibition of the use of the present school building of Jersey Special Rural School District. This order simply requires the making of certain repairs and improvements and directs that such repairs and improvements be completed within a certain time. It does not directly or impliedly prohibit the use of the building.

I am therefore of the opinion that said school order is not sufficient to confer authority upon the board of education of Jersey Special Rural School District to issue bonds under section 7630-1 of the General Code, and I advise that you decline to purchase the same.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*