

OPINION
46-23

November 25, 1946 (OPINION)

BOND SINKING FUND LEVIES

RE: Not Reduced

Your letter of November 23 addressed to the Attorney General has been received and contents noted.

You inquire whether or not a county auditor may reduce an annual direct irrepalable bond levy without resolution from the governing board, the governing body of the municipality issuing the bond.

By way of explanation, you state that a school district in your county made an annual direct irrepalable tax levy of \$2,700 for the liquidation of principal and interest, which levy continues through to 1950. The balance due at this time is only \$800 and the question is whether the auditor may refuse or discontinue the levy.

Your question is answered by Section 184 of the Constitution which provides as follows:

"Sec. 184. Any city, county, township, town, school district or any other political subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepalable until such debt be paid."

In view of the language of the Constitution which is quoted above, neither the auditor or the school district would have authority to discontinue the levy. Any surplus remaining after the bonds are paid may be transferred into the general fund of the district.

NELS G. JOHNSON

Attorney General