

Dear Mr. Fitzsimmons:

You have submitted the following:

"The Board of Examiners at a special meeting today had before it a proposal to issue additional revenue bonds under the provisions of Chapter 22, Thirty-third Extraordinary Session, 1933-34.

"This chapter was approved January 2, 1934, and provided for the issuance of revenue bonds in an amount not to exceed \$215,000 face value, for the purpose of constructing a building or buildings at the Tuberculosis Sanitarium. Following the passage of this law the Board of Examiners issued bonds in the amount of \$164,000 which were bought by the Public Works Administration and, together with the grant from the Federal government, enabled the Board to erect buildings to the extent of \$215,000. With only \$164,000 of the amount authorized actually issued the question before this Board is whether or not, under the provisions of Chapter 22, the Board can issue a second series of bonds up to the balance of the authorization, namely \$51,000. If these bonds can be issued it is quite likely that we can secure a grant on a 55-45% basis, whereby the state could receive in the neighborhood of \$42,000 grant money and thereby have available something over \$90,000 to erect an additional hospital at the sanitarium, which would relieve the present crowded condition at the institution and enable the authorities at the institution to receive many new patients now on the waiting list.

"Our question then is: In your opinion can the Board of Examiners, by a proper resolution, provide for the issuance of revenue bonds in an amount not exceeding \$51,000, under the provisions of the above mentioned law?"

By Section 2 of said Chapter 22, the Board was authorized to provide by resolution for the issuance of revenue bonds in an amount not exceeding \$215,000. Although the act was passed as an emergency measure, there is nothing in the act fixing the time within which the board is required to act. The power given to the board has not been withdrawn by the legislature. We are unable to find anything within

**Opinion No. 302.**

**Bonds—Revenue Bonds—Board of Examiners—Issuance of, Time and Number of Issues.**

HELD: There being no provision in a legislative act fixing the time within which a board is required to act in the issuance of revenue bonds, and nothing in the act itself indicating an intent to limit to one issue rather than several, in the absence of legislative withdrawal of such power, the board may issue such bonds at any time.

July 18, 1938.

Mr. W. L. Fitzsimmons  
Clerk, State Board of Examiners  
Ex-Officio Consolidated Boards  
The Capitol

the act itself which would indicate an intention to limit the bonds to one issue rather than several issues. The power given to the board not having been exhausted, we are of the opinion that your question should be answered in the affirmative.