

**OPINION**  
**47-26**

June 20, 1947           (OPINION)

BONDS

RE: Levy for Payment - Continued Until Funds Paid

Re: Bonds - Stolen Township, Sioux County

This will acknowledge the receipt of your letter of June 18, 1947, in which you say that you do not have sufficient funds to pay the interest on the bonds issued by Solen Township, which become due July 1, 1947, and that under the provisions of section 21-0315 of the 1943 Revised Code it appears to be your duty, as county auditor, to continue the original levy until such time as the principal and interest have been fully paid. You request the opinion of this office as to your duty in that regard.

Section 21-0315 of the 1943 Revised Code provides:

"The governing body of every municipality issuing bonds under the authority of this chapter, after the sale of such bonds and before the delivery thereof, shall levy by recorded resolution or ordinance a direct annual tax sufficient in amount to pay, and for the express purpose of paying, the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or to obstruct the collection of said tax until such payments have been made or provided for. A copy of such resolution or ordinance shall be certified to and filed with the county auditor, and after the issuance of such bonds, such tax from year to year shall be carried into the tax roll of the municipality and collected as other taxes are collected. No further or annual levy for that purpose shall be necessary. When such bonds are further sustained by revenue of a revenue producing utility, industry, or enterprise, said resolution or ordinance may provide that the tax to be levied and assessed may be determined in said resolution or ordinance so long as adequate provision is always made for the payment of such bonds and interest thereon."

It is our opinion that it is the duty of a county auditor to continue the levy certified to him by a municipality until bonds issued have been fully paid or until sufficient taxes have been collected to retire such bonds.

NELS G. JOHNSON

Attorney General