

3252.

APPROVAL, PETITION FOR AMENDMENT TO THE CONSTITUTION
OF THE STATE OF OHIO.

COLUMBUS, OHIO, May 25, 1931.

C. H. SUPINGER, ESQ., *Attorney at Law, 604 American Bldg., Dayton, Ohio.*

DEAR SIR:—You have submitted to me for examination a written petition signed by 134 qualified electors of the State, containing a proposed constitutional amendment and a synopsis, for my examination under the provisions of Section 4785-176, General Code. The pertinent portion of Section 4785-176 is as follows:

“One hundred or more qualified electors of the state may, by a written petition signed by them, submit any proposed law or constitutional amendment to the attorney general for examination. If the attorney general finds such law or constitutional amendment correct as to form, he shall so certify and such certification shall be printed immediately, under the text of the law or constitutional amendment. Such electors may also submit to the attorney general a fair and impartial synopsis of such proposed law or amendment, and if such synopsis in the opinion of the attorney general is a fair and truthful summary of the contents and purposes of such proposed law or amendment he shall so certify.
* * * * *

The proposed amendment is of Article XV, Section 9 of the Constitution of the State of Ohio, and provides that this section shall read as follows:

“No law shall be passed or be in effect prohibiting the manufacture, sale, furnishing, transporting or giving away of intoxicating liquors, except such laws as may be passed or are now in effect governing the manufacture, sale, furnishing, transporting or giving away of intoxicating liquors with relation to persons under twenty-one years of age.”

I have carefully examined the text of the foregoing proposed amendment as submitted to me and I am of the opinion that it is correct as to form. Accordingly, I submit, for uses provided by law the following certification:

“I, Gilbert Bettman, Attorney General of the State of Ohio, hereby certify that the foregoing proposed amendment of Article XV, Section 9 of the Constitution of Ohio is correct as to form.

GILBERT BETTMAN, Attorney General.”

The synopsis of the foregoing amendment is in the following language:

“Said proposed amendment seeks to amend Article XV, Section 9 of the Constitution of the State of Ohio; provides that no law prohibiting the manufacture, sale, furnishing, transporting or giving away of intoxicating liquors shall hereafter be passed or be in effect in the State of Ohio; but excepts such laws as may hereafter be passed or be in effect governing the manufacture, sale, furnishing, transporting or giving away of intoxicating liquors with relation to persons under twenty-one years of age.”

I am of the opinion that the foregoing is a fair and truthful summary of the contents and purposes of the proposed amendment. Accordingly, I submit, for uses provided by law, the following certification:

"I, Gilbert Bettman, Attorney General of the State of Ohio, hereby certify that the foregoing is a fair and truthful summary of the contents and purposes of the proposed amendment of Article XV, Section 9 of the Constitution of the State of Ohio.

GILBERT BETTMAN, Attorney General."

Respectfully,

GILBERT BETTMAN,
Attorney General.

3253.

HOUSE BILLS NOS. 91 AND 92—ESTABLISHING MUNICIPAL COURTS IN CERTAIN TERRITORY IN TRUMBULL COUNTY—LENGTH OF TERMS OF JUDGES NOT SET FORTH IN ACTS—TERMS OF JUDGES AND VALIDITY OF SUCH BILLS DISCUSSED.

SYLLABUS:

House Bills Nos. 91 and 92 discussed as to terms of office therein provided.

COLUMBUS, OHIO, May 25, 1931.

HON. HOWARD D. PORTER, *Chairman, Reference Committee, House of Representatives, Columbus, Ohio.*

DEAR SIR:—YOUR letter of recent date is as follows:

"On April 10, 1931, the Eighty-Ninth General Assembly passed House Bill No. 91, entitled 'A bill to provide for the establishment of a municipal court in and for the city of Warren and townships of Howland and Warren in the county of Trumbull, and to repeal existing sections 14721 and 14730, inclusive, of the General Code,' and House Bill No. 92, entitled 'A bill to provide for the establishment of a municipal court in and for the city of Niles, the village of McDonald and the township of Weathersfield in the county of Trumbull.' These bills were subsequently signed by the Governor and filed with the Secretary of State and became law.

Since the enactment of these bills it has been called to the attention of the General Assembly that the bills do not provide specifically for the term of office of the municipal court judge.

The first paragraph of section 19 of both acts provides as follows:

'The municipal judge shall be nominated by petition; such petition shall be signed by at least three hundred electors of the territory of the court. It shall be in the general form and signed, verified and filed in the manner and within the time required by law of nominating petitions of candidates for other judicial offices. He shall be elected by the electors of the territory of the court in the manner provided by law for the elec-