

340.

PETITION—EMERGENCY MEASURE—REORGANIZATION  
—BUREAU UNEMPLOYMENT COMPENSATION—UNEM-  
PLOYMENT COMPENSATION COMMISSION—ARTICLE  
II, SECTION 1d, CONSTITUTION OF OHIO—AMENDED  
SENATE BILL 57, SECTION 7, 93rd GENERAL ASSEMBLY.

COLUMBUS, OHIO, March 21, 1939.

MR. ERNEST CAREY, *91 Wills Ave., Apt. 8, Akron, Ohio.*

DEAR SIR: As provided in section 4758-175 of the General Code of Ohio, you have submitted for my examination a written petition signed by one hundred qualified electors of this state, for the purpose of filing a referendum petition against Amended Senate Bill No. 57 of the 93rd General Assembly, now carried into the General Code of Ohio as section 1346 thereof. The petition reads as follows:

“We the undersigned duly qualified electors do hereby petition the Attorney General of the State of Ohio to kindly certify the measure to be referred known as Senate Bill No. 57 and passed by the General Assembly and signed by the Governor of Ohio as follows:

‘To create a bureau of unemployment compensation superseding the unemployment compensation commission of Ohio, to provide for an administration of unemployment compensation,

to coordinate the administrative functions incident to the administration of the unemployment compensation fund and combine these functions with similar functions discharged by other departments of state government, to eliminate duplication of administrative activities, to create a board of review in the bureau of unemployment compensation, to repeal sections 1345-12, 1345-23 and 1345-29, and to declare an emergency.'

and also hereby petition the Secretary of State of the State of Ohio to designate a convenient size for the sheets of paper, the color and weight of paper to be used and the general order of arrangement of such petition for referendum of the foregoing measure."

Section 7 of Amended Senate Bill No. 57, *supra*, declares the act to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and reads as follows:

"This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The reason for such necessity lies in the fact that payments are presently payable under the unemployment compensation law and that a reorganization of the administration of the unemployment compensation fund is imperative if payments are to be made promptly and without great waste of public funds. Therefore, this act shall go into immediate effect."

Section 1d of Article II of the Constitution of the State of Ohio, which provides that emergency laws necessary for the immediate preservation of public peace, health and safety are not subject to referendum, reads as follows:

"Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a ye and nay vote must receive the vote of two-thirds of all the members elected to each branch of the general assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum."

Therefore, in view of the fact that the General Assembly has declared the above act to be an emergency measure and provided that the same

shall go into effect immediately upon the passage thereof and that an emergency law under the provisions of the Constitution above quoted is not subject to referendum, I am herewith returning the petition submitted for my examination without my certification endorsed thereon.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*