

313.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF ABANDONED CANAL LAND IN MADISON TOWNSHIP, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, April 16, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your communication submitting for my examination and approval a transcript of your proceedings relating to the proposed sale to Kenneth W. Moore and Edna M. Moore of a parcel of abandoned canal land in Madison Township, Licking County, Ohio.

An examination of said transcript shows that the use of said land has been abandoned for canal purposes and that the same cannot be leased so as to bring an annual rental of six percent on the appraisalment of the land. It further appearing that the appraisalment of said land is less than \$500.00, it follows that with the approval of the Governor and the Attorney General you are authorized to sell said parcel of land at private sale. The proceedings relating to the proposed sale of this parcel of land being therefore in accordance with the provisions of the statutes in such cases made and provided, the sale of said parcel of land is hereby approved, which approval is endorsed on the transcript submitted and the same is herewith returned to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.

314.

APPROVAL, AMENDMENT TO ARTICLES OF INCORPORATION OF THE MERCER CASUALTY COMPANY.

COLUMBUS, OHIO, April 16, 1929.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am returning herewith the certificate of amendment to the articles of incorporation of the Mercer Casualty Company, with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.

315.

APPROVAL, PETITION FOR PROPOSED AMENDMENT TO THE CONSTITUTION EQUALIZING CITY AND RURAL REPRESENTATION IN THE LEGISLATURE.

COLUMBUS, OHIO, April 16, 1929.

HON. GEORGE H. BENDER, *Leader Building, Cleveland, Ohio.*

MY DEAR SENATOR:—This acknowledges receipt of your letter of April 15, 1929, reading as follows:

"I am enclosing, herewith, a copy of the petition to be used in connection with the proposed re-apportionment campaign for your approval.

Your early examination of this document will be highly appreciated."

Accompanying the above letter, you have submitted the following proposed amendment to the Constitution of Ohio:

"AMENDMENT TO THE CONSTITUTION PROPOSED BY INITIATIVE PETITION TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

To amend Article II, Section 2; Article XI, Sections 1, 2 and 11; and to repeal Article XI, Sections 3, 4, 5, 6, 7, 8, 9 and 10 of the Constitution of the State of Ohio relative to apportionment for members of the General Assembly.

BE IT RESOLVED BY THE PEOPLE OF THE STATE OF OHIO:

That Article II, Section 2; Article XI, Section 1, 2 and 11 of the Constitution of the State of Ohio be amended to read as follows:

ARTICLE II.

Sec. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years. *The number of senators shall be not more than thirty and the number of representatives shall be not more than one hundred and twenty.*

ARTICLE XI.

Sec. 1. The apportionment of this state for members of the General Assembly shall be made every ten years, - - - in the following manner: The whole population of the state, as ascertained by the federal census, - - - shall be divided by the number 'one hundred and twenty', and the quotient shall be the ratio of representation in the House of Representatives for ten years next succeeding such apportionment. *The whole population of the state, as ascertained by the federal census, shall be divided by the number 'thirty', and the quotient shall be the ratio of representation in the Senate for ten years next succeeding such apportionment.*

Sec. 2. - - - *Each county shall continue to be a unit for purposes of determining representation in the House of Representatives and in the Senate. If a county does not have sufficient population to entitle it to a representative or senator it may be joined to a contiguous county or counties to form a representative or senatorial district. No part of a county shall be added to another county to make a district. However, nothing herein shall be construed to prevent two or more representatives or senators from being elected from one county or district at any one election if in doing so, the purposes of equality in representation will be better served.*

Sec. 11. The governor, auditor and secretary of state, or any two of them, shall - - - *within ten days after the announcement of the census of the political subdivisions of the state by the bureau of the census in the year one thousand - - - nine hundred and - - - thirty, and, within ten*

days after such announcement, at each decennial period, thereafter, ascertain and determine the ratio of representation according to the decennial census, apportion the state into representative and senatorial districts on the basis of the ratio thus ascertained, and shall determine the number of representatives and senators each county or district shall be entitled to elect - - - during the next ensuing ten years. This apportionment shall be made by said board so as to provide as nearly as is possible thirty senators and one hundred and twenty representatives; provided, however, that in no event may such numbers be exceeded. The governor shall cause the same to be published in such manner as shall be directed by law.

That original Section 2 of Article II, Sections 1, 2 and 11, of Article XI, and Sections 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI, be and the same are hereby repealed."

You have further submitted the following synopsis of the above proposed amendment:

"This proposed amendment to the Constitution of Ohio fixes the number of members in the General Assembly as not more than thirty in the Senate and as not more than one hundred and twenty in the House of Representatives. The Governor, Auditor and Secretary of State determine the ratio of representation in the Senate and in the House of Representatives according to the Federal decennial census, apportion the state into senatorial and representative districts and determine the number of representatives each county or district is entitled to during the ten year period following each census. This apportionment must be made so as to provide as nearly as is possible the maximum numbers set forth above. This proposed amendment further provides that if a county does not have sufficient population to entitle it to a senator or representative, said county may be joined to a contiguous county or counties to form a senatorial or a representative district; however, no part of a county shall be added to another county to make a district. To accomplish the foregoing purposes, Section 2 of Article II and Sections 1, 2 and 11 of Article XI of the present Constitution of Ohio are amended and Sections 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI of the present Constitution of Ohio are repealed.

My duty with respect to this matter is provided for in Section 5175-29e of the General Code of Ohio. Said section, so far as pertinent, reads as follows:

"Section 5175-29e. * * *

Whoever proposes to file an initiative or referendum petition may submit to the Attorney General a fair and impartial synopsis of such proposed law or amendment and if such synopsis is a truthful statement of the contents and purpose of such proposed law or amendment he shall so certify. * * * ."

Please be advised that I have carefully examined the proposed amendment to the Constitution of Ohio and the synopsis of said proposed amendment, as set forth above, and it is my opinion that the above synopsis is a truthful statement of the contents and purpose of said proposed amendment. Accordingly, I am enclosing herein a copy of the synopsis, as set forth above, properly certified and approved.

Respectfully,

GILBERT BETTMAN,
Attorney General.