

4291.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTORS—F. C. BANKHURST—HOWARD SWORD.

COLUMBUS, OHIO, May 4, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted two bonds, each in the penal sum of \$5,000, for my approval. Upon one, the name of F. C. Bankhurst appears as principal and The Fidelity and Casualty Company of New York appears as surety, and the bond is conditioned to cover the faithful performance of the duties of the principal as Resident District Deputy Director for the Department of Highways in Morgan and Noble Counties; upon the other bond, the name of Howard Sword appears as principal and The Aetna Casualty and Surety Company of Hartford, Conn., appears as surety, and the bond is conditioned to cover the faithful performance of the duties of the principal as Resident District Deputy Director assigned to Richland County.

Finding said bonds legal and proper as to form, I have endorsed my approval thereon and return the same herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4292.

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

COLUMBUS, OHIO, May 4, 1932.

MR. CHARLES P. TAFT, 2D., *16 Garden Place, Cincinnati, Ohio.*

DEAR SIR:—You have submitted for my examination a written petition signed by one hundred qualified electors of this state, containing a measure to be referred and a summary of the same, under Section 4785-175, General Code.

It is proposed to amend the Constitution of the State of Ohio by repealing Section 16 of Article IV, and repealing Sections 1 to 7, inclusive, of Article X, and adopting in lieu thereof four new sections as Article X, so that Article X shall read as follows:

“Section 1. The General Assembly shall provide by general law for the organization and government of counties, and may provide by general law alternative forms of county government. No alternative form shall become operative in any county until submitted to the electors thereof and approved by a majority of those voting thereon under regulations provided by law. Municipalities and townships shall have authority, with the consent of the county, to transfer to the county any of their powers or to revoke the transfer of any such power, under regulations provided by general law, but the rights of initiative and referendum shall be secured to the people of such municipalities or townships in respect of every measure making

or revoking such transfer, and to the people of such county in respect of every measure giving or withdrawing such consent.

Section 2. The General Assembly shall provide by general law for the election of such township officers as may be necessary. The trustees of townships shall have such powers of local taxation as may be prescribed by law. No money shall be drawn from any township treasury except by authority of law.

Section 3. Any county may frame and adopt or amend a charter as provided in this Article. Every such charter shall provide the form of government of the county and shall determine which of its officers shall be elected and the manner of their election. It shall provide for the exercise of all powers vested in, and the performance of all duties imposed upon counties and county officers by law. Any such charter may provide for the concurrent or exclusive exercise by the county, in all or in part of its area, of all or of any designated powers vested by the Constitution or laws of Ohio in municipalities; it may provide for the organization of the county as a municipal corporation; and in any such case it may provide for the succession by the county to the rights, properties, and obligations of municipalities and townships therein incident to the municipal power so vested in the county, and for the division of the county into districts for purposes of administration or of taxation or of both. No charter or amendment vesting any municipal powers in the county shall become effective unless it shall have been approved by a majority of those voting thereon (1) in the county, (2) in the largest municipality, (3) in the county outside of such municipality, and (4) in each of a majority of the combined total of municipalities and townships in the county (not including within any township any part of its area lying within a municipality).

Section 4. The Legislative authority of any charter county or the Board of County Commissioners of any other county may by a two-thirds vote of its members, or upon petition of ten per cent of the electors of the county shall forthwith, by resolution submit to the electors of the county the question, "Shall a county charter commission be chosen?" The question shall be voted upon at the next general or primary election, occurring not sooner than sixty days thereafter. The ballot containing the question shall bear no party designation, and provision shall be made thereon for the election from the county at large of fifteen electors as such commission if a majority of the electors voting on the question shall have voted in the affirmative. Candidates for such commission shall be nominated by petition of one per cent of the electors of the county, which shall be filed with the election authorities not less than forty days prior to such election. Candidates shall be declared elected in the order of the number of votes received, beginning with the candidate receiving the largest number; but not more than seven candidates residing in the same city or village may be elected. Within ten months after its election such commission shall frame a charter for the county or amendments to the existing charter, and shall submit the same to the electors of the county, to be voted upon at the next general election occurring not sooner than sixty days after such submission. Amendments to a county charter may also be submitted to the electors of the county in the manner provided in this section for the submission of the question whether a charter commission shall be chosen, to be voted upon at the first general election occurring not sooner than sixty days after their submission. The authority submitting any charter or

amendment shall mail or otherwise distribute a copy thereof to each of the electors of the county as far as may be reasonably possible. Except as provided in Section 3 of this Article, every charter or amendment shall become effective if it shall have been approved by the majority of the electors voting thereon. It shall take effect on the thirtieth day after such approval unless another date be fixed therein. When more than one amendment is submitted at the same time they shall be so submitted as to enable the electors to vote on each separately. In case of conflict between the provisions of two or more amendments adopted at the same time that provision shall prevail which received the highest affirmative vote. The basis upon which the required number of petitioners in any case provided in this Article shall be determined shall be the total number of votes cast in the county for the office of Governor at the last preceding election therefor.

The foregoing provisions of this Article shall be self-executing except as herein otherwise provided."

The summary of this amendment reads as follows:

"The Amendment proposed by this petition repeals all of Article X, County and Township Organization, and section 16 of Article IV; requires the General Assembly to provide by law for the organization and government of counties, and permits alternative forms optional with the voters of any county; authorizes municipalities and townships to transfer powers to the county with its consent, and to withdraw such powers, all subject to the initiative and referendum; brings together into one new section the effective provisions of old Article X applying to townships, with a slight increase in local powers; authorizes counties to frame and adopt, or amend, charters establishing the form of their government; permits the adoption of a charter giving the county concurrent or exclusive municipal powers, or making the county a consolidated municipality, with local taxing and administrative districts, under safeguards for the protection of local minorities; provides for the submission of the question whether a county charter commission should be chosen, and for the election of fifteen electors as such commission, by popular vote, with not more than seven from any one municipality; provides for the framing of a charter by such commission and for the submission of amendments by initiative; provides that all elections except that for the charter commission shall be on the same date as general elections; provides for the distribution of copies of charters and amendments; provides for the effective date of charters and amendments and for conflicts between two or more amendments adopted at the same time; provides that the constitutional amendment shall be self-executing except as to transfer of powers of municipalities and townships to the county."

I am of the opinion that the foregoing is a fair and truthful statement of the proposed constitutional amendment and accordingly submit for uses provided by law, the following certification:

"I, Gilbert Bettman, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of the proposed amendment of the Constitution of Ohio by the repeal of Section 16 of Article IV and Article X, and by the

adoption of Sections 1 to 4, inclusive, as Article X, in lieu of Sections 1 to 7 thereof. GILBERT BETTMAN, Attorney General."

Respectfully,

GILBERT BETTMAN,
Attorney General.

4293.

APPROVAL, NOTES OF MASSILLON CITY SCHOOL DISTRICT, STARK COUNTY, OHIO—\$40,000.00.

COLUMBUS, OHIO, May 4, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4294.

APPROVAL, NOTES OF PATASKALA VILLAGE SCHOOL DISTRICT, LICKING COUNTY, OHIO—\$2,900.00.

COLUMBUS, OHIO, May 4, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4295.

APPROVAL, BONDS OF ATHENS COUNTY, OHIO—\$31,800.00.

COLUMBUS, OHIO, May 4, 1932.

Industrial Commission, Columbus, Ohio.

4296.

APPROVAL, NOTES OF CADIZ VILLAGE SCHOOL DIST., HARRISON COUNTY, OHIO—\$7,000.00.

COLUMBUS, OHIO, May 5, 1932.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.