

5690.

APPROVAL—PETITION CONTAINING PROPOSED CONSTITUTIONAL AMENDMENT AND SUMMARY OF SAME.

COLUMBUS, OHIO, June 5, 1936.

CHARLES H. HUBBELL, ESQ., 10401 *Almira Avenue, Cleveland, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a proposed constitutional amendment and a summary of the same under the provisions of Section 4785-175, General Code. It is proposed to amend the Constitution by amending Section 30 of Article II and by the adoption of nine new sections to said article to be known as Sections 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h and 30i.

*Summary of Proposed Amendment.*

The proposed amendment to the constitution creates a State-Wide County Plan Commission, consisting of seven specified state officers.

(a) The proposed amendment also provides that no law shall be adopted or passed creating a county with less than a specified area or a specified number of inhabitants, or dividing any county in such manner as to divide a municipality; authorizes the adoption or passage of laws changing or removing any county seat, creating any new county, dividing any county or changing the boundaries or name of any county, but specifies that, excepting as authorized in Article II of the Constitution (as amended), no such change or division shall be made until after the year 1954, and that no such law shall become effective unless and until it shall be approved, in each of the counties to be affected thereby, by a majority of the electors voting thereon.

(b) The proposed amendment also provides that, beginning on the first day of January next after the effective date thereof, and continuing until December 31, 1954, and until changed in the manner provided in the constitution, the territory now embraced in the present counties of Cuyahoga, Hamilton, Lucas and Franklin, shall be known and designated as Cleveland County, Taft County, Roosevelt County and Donahey County, respectively, and that the county seats of said counties shall be at Cleveland, Cincinnati, Toledo and Columbus, respectively; provides that said four counties shall be known as "metropolitan counties"; and provides that no alternative form of county government shall be adopted in any county other than the aforementioned metropolitan counties.

(c) The proposed amendment also provides that, beginning on January 1, 1945, and continuing for not less than ten years thereafter,

and until changed in the manner provided in the constitution, the territory in the State (other than the four metropolitan counties) shall be divided into not less than twenty nor more than thirty counties, each of which shall have an area of between 1,000 and 2,000 square miles, and which, during the period of six years, from January 1, 1939, to December 31, 1944, inclusive, shall be known as "proposed new counties"; and provides that, during said six year period, the eighty-four counties (other than the four metropolitan counties), as constituted on the effective date of the amendment, shall be known as "existing counties".

(d) The proposed amendment also provides that, effective on January 1, 1945, and continuing for not less than ten years thereafter, and until changed in the manner provided in the constitution, the names and boundaries of the counties (other than the four metropolitan counties) may be fixed by order of said State-Wide County Plan Commission, concurred in by five commissioners and made on or before December 31, 1938.

(e) The proposed amendment also provides that, if said State-Wide County Plan Commission shall not make an order before January 1, 1939, as provided in (d), then, effective on January 1, 1945, and continuing for not less than ten years thereafter, and until changed in the manner provided in the constitution, the counties in this state (other than the four metropolitan counties) shall be twenty-six in number and shall consist of territory and be known and designated by names specified in detail in the proposed amendment.

(f) The proposed amendment also provides that, if said State-Wide County Plan Commission shall not make an order before January 1, 1939, as provided in (d), then, effective on January 1, 1945, and continuing for not less than ten years thereafter, and until changed in the manner provided in the constitution, the boundaries and areas of any two or more of the twenty-six counties described in (e) may be modified at any time during the year 1939, by order of said State-Wide County Plan Commission, concurred in by four commissioners and made on or before December 31, 1939, but specifies that no such modification shall change the boundaries of any of the four metropolitan counties, increase or decrease the number of counties above or below twenty-six, exclude from or add to any county, as described in (e), area in excess of twenty per cent thereof, or result in the area of any county being more than 2,000 or less than 1,000 square miles.

(g) The proposed amendment also provides for the choosing of county seats of counties (other than the four metropolitan counties). specifies the method and procedure by which such county seats shall be chosen, and provides that municipalities so chosen as county seats shall be such beginning on January 1, 1945, and continuing for not less than

ten years thereafter, and until changed in the manner provided in the constitution.

(h) The proposed amendment also provides that, during the period of five years, from January 1, 1940, to December 31, 1944, inclusive, all proposed county bond issues which shall be referred to the electors in any county (other than the four metropolitan counties) shall also be referred to the electors in each other county with which the former is to be merged, and that no such bond issue shall be deemed to have been approved unless and until it shall be approved by the electors in each county in which it is so referred.

(i) The proposed amendment also provides that laws may be adopted or passed to facilitate the operation of the provisions thereof, but that no law shall be adopted or passed which in any way hampers, impairs, limits or restricts any of such provisions; provides that all of such provisions are mandatory and shall be self-executing; and contains a saving clause.

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

“Pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the attached summary is a fair and truthful statement of the proposed amendment to the Constitution of Ohio by amending Section 30 of Article II and by the adoption of nine new sections to said article to be known as Sections 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h and 30i. JOHN W. BRICKER, Attorney General.”

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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5691.

APPROVAL—BONDS OF SHAKER HEIGHTS VILLAGE  
SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO, \$30,000.00.

COLUMBUS, OHIO, June 6, 1936.

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