

It will thus be seen that the synopsis contains general language embracing all employes of the commission, whereas the act itself, because of the particularity with which it designates the employes in question, may not embrace all employes of the commission.

2nd. Section 614-20 of the proposed law applies to the change of existing rates by public utilities. Under the proposed law an increase in rate by a public utility may only be effected by application to the commission and published notice of the proposed change. While the provision of the existing law permitting a public utility to change a rate fixed by the commission after the same shall have been in force and effect for a period of two years is left in the proposed law, it does contain the language "the same may be changed by the public utility affected in the manner provided in this section." The only manner provided in the section for effecting an increase in rate is by application to the commission and published notice, as above set out. However, the synopsis contains the following language:

"Provided, however, that after any such rate, joint rate, toll, classification, charge or rental shall have been in force for a period of two years, the same may be changed by the public utility affected."

In this respect the synopsis appears to be somewhat misleading because the change of a rate by the public utility affected is quite different from a change of a rate by the commission upon application, notice and hearing.

I therefore suggest that in Section 499-3a of the proposed law the words "and no other person" be omitted and that the exact language of the law specifying the positions to which the proposed act applies be substituted therefor.

I further suggest that in Section 614-20 appropriate language be added to show that an increase in rate, even after the two year period, may only be effected by the public utility upon application to the commission and the publication of notice.

With these changes I believe the synopsis would be a truthful statement of the contents and purposes of the proposed law.

I am, therefore, returning the petition submitted to me without my certification.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2429.

APPROVAL, SYNOPSIS OF PROPOSED LAW FIXING TERMS OF OFFICE  
AND QUALIFICATIONS OF STATE OFFICERS, PROBATE JUDGES  
AND COUNTY COMMISSIONERS.

*SYLLABUS:*

*Approving synopsis of proposed law fixing terms of office and qualifications of state officers, probate judges and county commissioners.*

COLUMBUS, OHIO, August 6, 1928.

MR. CHARLES H. HUBBELL, *Attorney at Law, 630 Engineers Building, Cleveland, Ohio.*

DEAR SIR:—You have submitted to me under date of July 30, 1928, for my certification under the provisions of Section 5175-29e, General Code, a synopsis of a proposed law to be embodied in an initiative petition. The pertinent part of Section 5175-29e is as follows:

"ATTORNEY GENERAL SHALL CERTIFY WHETHER SYNOPSIS IS A TRUTHFUL STATEMENT OF PROPOSED LAW OR AMENDMENT. 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. Such synopsis together with the attorney general's certification may be printed in capital letters immediately following the notice provided for in Section 5175-29f. The text of the proposed law or amendment shall be printed in full at the end of each part of the petition."

The synopsis submitted is in the following language:

"Section 77 of the proposed law provides that in November, 1930, a governor shall be elected; provides that the governor elected in November, 1930, shall hold said office for four (4) years from the second Monday in January, 1931, until the second Monday in January, 1935, and until his successor is elected and qualified; and provides that in November, 1934, and quadrennially thereafter a governor shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified.

Section 77 of the proposed law also provides that in November, 1930, a lieutenant governor shall be elected; provides that the lieutenant governor elected in November, 1930, shall hold said office for four (4) years from the second Monday in January, 1931, until the second Monday in January, 1935, and until his successor is elected and qualified; and provides that in November, 1934, and quadrennially thereafter a lieutenant governor shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified.

Section 155 of the proposed law provides that in November, 1930, a secretary of state shall be elected; provides that the secretary of state elected in November, 1930, shall hold said office for four (4) years from the second Monday in January, 1931, until the second Monday in January, 1935, and until his successor is elected and qualified; provides that in November, 1934, and quadrennially thereafter a secretary of state shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the second Monday in January, 1935, no person shall be eligible to succeed himself as secretary of state, no person shall be eligible for election to the office of secretary of state to succeed a person of the same sex, and no person shall be eligible for appointment to the office of secretary of state to succeed a person of the opposite sex.

Section 235 of the proposed law provides that the auditor of state elected in November, 1928, shall hold said office for four (4) years from the second Monday in January, 1929, until the second Monday in January, 1933, and until his successor is elected and qualified; provides that in November, 1932, and quadrennially thereafter an auditor of state shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified, and provides that, after the second Monday in January, 1933, no person shall be eligible to succeed himself as auditor of state, and no person shall be eligible

for election or appointment to the office of auditor of state unless he shall have been licensed to practice as a certified public accountant in this state for a period of ten (10) years immediately preceding the date of his election or appointment.

Section 296 of the proposed law provides that in November, 1930, a treasurer of state shall be elected; provides that the treasurer of state elected in November, 1930, shall hold said office for four (4) years from the second Monday in January, 1931, until the second Monday in January, 1935, and until his successor is elected and qualified; provides that in November, 1934, and quadrennially thereafter a treasurer of state shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the second Monday in January, 1935, no person shall be eligible to succeed himself as treasurer of state, no person shall be eligible for election to the office of treasurer of state to succeed a person of the same sex, and no person shall be eligible for appointment to the office of treasurer of state to succeed a person of the opposite sex.

Section 331 of the proposed law provides that in November, 1930, an attorney general shall be elected; provides that the attorney general elected in November, 1930, shall hold said office for two (2) years from the second Monday in January, 1931, until the second Monday in January, 1933, and until his successor is elected and qualified; provides that in November, 1932, and quadrennially thereafter an attorney general shall be elected, who shall hold his office for four (4) years from the second Monday in January next after his election, and until his successor is elected and qualified; provides that after the second Monday in January, 1933, no person shall be eligible to succeed himself as attorney general, and no person shall be eligible for election or appointment to the office of attorney general unless he shall have been admitted to practice as an attorney and counsellor at law in this state for a period of ten (10) years immediately preceding the date of his election or appointment; and provides that the attorney general shall have an office in the state house.

Section 1580 of the proposed law provides that the probate judge in each county elected in November, 1928, shall hold said office from the second Monday in February, 1929, until the first Monday in January, 1935, and until his successor is elected and qualified; provides that in November, 1934, and sextennially thereafter a probate judge shall be elected in each county, who shall hold his office for six (6) years from the first Monday in January next after his election, and until his successor is elected and qualified; and provides that, after the first Monday in January, 1935, no person shall be eligible for election or appointment to the office of probate judge unless he shall have been admitted to practice as an attorney and counsellor at law in this state for a period of six (6) years immediately preceding the date of his election or appointment.

Section 2395 of the proposed law provides that the board of county commissioners in each county shall consist of three (3) members; provides that the two (2) commissioners in each county elected in November, 1928, shall hold said office for four (4) years from the third Monday in September, 1929, until the third Monday in September, 1933, and until their successors are elected and qualified; provides that in November, 1930, one (1) commissioner shall be elected in each county; provides that the commissioner in each

county elected in November, 1930, shall hold said office for four (4) years from the third Monday in September, 1931, until the third Monday in September, 1935, and until his successor is elected and qualified; provides that in November, 1932, two (2) commissioners shall be elected in each county; provides that the person who receives the highest number of votes in November, 1932, shall hold his office for six (6) years from the third Monday in September, 1933, until the third Monday in September, 1939 and until his successor is elected and qualified; provides that the person who receives the next highest number of votes in November, 1932, shall hold his office for four (4) years from the third Monday in September, 1933, until the third Monday in September, 1937, and until his successor is elected and qualified; provides that in November, 1934, and biennially thereafter one (1) commissioner shall be elected in each county, who shall hold his office for six (6) years from the third Monday in September next after his election, and until his successor is elected and qualified; provides that, after the third Monday in September, 1935, not more than two (2) members of the board of county commissioners of any county shall be of the same sex, but this provision shall not apply to members of such board elected or appointed prior to the third Monday in September, 1935; and provides that, after the third Monday in September, 1935, no person shall be eligible for appointment to any board of county commissioners to succeed a person of the opposite sex.

Section 2 of the proposed law provides that original Sections 77, 155, 235, 296, 331, 1580 and 2395 of the General Code are repealed.

Section 3 of the proposed law provides that all Sections or parts of Sections of the General Code in conflict with this Act are repealed."

I have carefully examined the full text of the proposed law, together with the synopsis quoted above, and am of the opinion that such synopsis has been prepared in accordance with law. I am expressing no opinion as to the constitutionality of any portion of the proposed law.

In view of the fact that the synopsis submitted is a truthful statement of the contents and purposes of the proposed law, I am herewith submitting, in accordance with the provisions of Section 5175-29e, General Code, my certification for use, in the method provided by law, as follows:

"I, Edward C. Turner, Attorney General of the State of Ohio, do hereby certify that the foregoing is a fair and impartial synopsis and is a truthful statement of the contents and purposes of said proposed law."

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2430.

SEWER DISTRICT—CREATION OF COUNTY DISTRICT—ASSESSMENT OF STATE LAND—COUNTY COMMISSIONERS MAY CONTRACT WITH LESSEES OF STATE LAND.

SYLLABUS:

1. *In the creation of a county sewer district and the improvement of the same under Sections 6602-1, et seq., General Code, land owned by the state may not, in view of the decision of the supreme court of Ohio in the case of State ex rel. Monger, Director of Health,*