

2. An employe in the water department of a city is a municipal employe within the meaning of the Public Employes Retirement Law, even though he is merely employed by the municipality as distinguished from holding a non-elective municipal office.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

874.

BONDS—CITY OF CLEVELAND, CUYAHOGA COUNTY, \$1,000.

COLUMBUS, OHIO, July 12, 1939.

Retirement Board, School Employes' Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of the City of Cleveland, Cuyahoga County,
Ohio, \$1,000. (Unlimited.)

The above purchase of bonds appears to be part of an \$800,000 issue of public hall bonds of the above city dated March 1, 1919. The transcript relative to this issue was approved by this office in an opinion rendered to the State Teachers Retirement Board under date of August 21, 1935 being Opinion No. 4565.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

875.

EASEMENT—PUBLIC FISHING GROUNDS, TO STATE BY
WILLIAM J. CONKLE, ET AL., LAND, FALLS TOWNSHIP,
HOCKING COUNTY.

COLUMBUS, OHIO, July 12, 1939.

HON. D. G. WATERS, *Commissioner, Conservation and Natural Resources,*
Columbus, Ohio.

DEAR SIR: You have submitted for my examination and approval a certain grant of easement, No. 2784, executed to the State of Ohio by William J. Conkle, J. M. Conkle and O. M. Conkle, conveying to the

State of Ohio for the purposes therein stated, a certain tract of land in Falls Township, Hocking County, Ohio.

By the above grant there is conveyed to the State of Ohio, certain land described therein, for the sole purpose of using said land for public fishing grounds, and to that end to improve the waters or water courses passing through and over said land.

Upon examination of the above instrument, I find that the same has been executed and acknowledged by the grantor in the manner provided by law and am accordingly approving the same as to legality and form, as is evidenced by my approval endorsed thereon, which is herewith returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

876.

PETITION—TO AMEND OHIO CONSTITUTION BY ADOPTING SECTION 13 OF ARTICLE XII—REVENUES FROM MOTOR VEHICLE TAXES—SHALL NOT BE DIVERTED BY TRANSFER OF FUNDS OR OTHERWISE—USE DESIGNATED, i.e., STATE, COUNTY, TOWNSHIP AND MUNICIPAL STREET PURPOSES, ETC.

COLUMBUS, OHIO, July 13, 1939.

MR. G. F. RUDISILL, *c/o Ohio Council of Road and Street Agencies, 85 East Gay Street, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination a written petition bearing over one hundred names, containing a proposed constitutional amendment and summary of the same under section 4785-175, General Code. It is proposed to amend the Constitution of the State of Ohio by adopting a new section to be known as section 13 of Article XII. Copy of said amendment and a summary of the same are attached hereto.

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

"I, Thomas J. Herbert, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of section 4785-175, of the General Code of Ohio, hereby certify that, in my opinion, the attached summary is a fair and truthful statement of the proposed amendment to amend the Con-