

5846.

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

COLUMBUS, OHIO, July 16, 1936.

CHARLES H. HUBBELL, ESQ., *704 Hippodrome Bldg., 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 1 of Article XI; by repealing Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XI; by amending Sections 1, 1d, 2, 3, 6, 7, 8, 9, 11, 16, 17, 18, 19, 23, 25, 29 and 31 of Article II; by adopting and adding to Article II six new sections, Sections 2a, 6a, 6b, 6c, 17a and 17b; by repealing Sections 14 and 15 of Article II; by repealing Sections 8 and 9 of Article III; by amending Sections 15, 16, 17 and 18 of Article III; and by amending Section 2 of Article XVII. Summary:

SUMMARY OF PROPOSED AMENDMENT

XI-1. The proposed amendment to the constitution provides for the apportionment of the state for members of the house of assemblymen; provides that assembly districts shall be established, in each of which one assemblyman shall be elected; and provides for the division of the state into assembly districts.

II-1. The proposed amendment also declares that the legislative power of the state is and shall be vested in a general assembly or house of assemblymen; states that, as used in the constitution, the term "general assembly" and "house of assemblymen" shall be deemed to be synonymous; and declares that the people reserve to themselves the right and power of the initiative and the right and power of the referendum.

II-2. The proposed amendment also provides for the time of election and the terms of office of members of the general assembly.

II-2a. The proposed amendment also declares that, as used in the constitution, the terms "member of the general assembly" and "assemblyman" shall be deemed to be synonymous; declares that action by the house of assemblymen shall fulfill the requirements of the constitution and of the statutes as to action by both branches or houses of the general assembly, by each branch or house of the general assembly or by the senate and the house of representatives; defines the powers, duties, responsibilities and privileges of the house of assemblymen and its officers;

and provides that, until December 31, 1938, the persons elected in 1936 to the senate or the house of representatives shall be members of the house of assemblymen and shall have all of the powers, duties, responsibilities and privileges of assemblymen, and that the president pro tempore of the senate shall be the president pro tempore of the house of assemblymen.

II-3. The proposed amendment also defines the eligibility (as to residence) of assemblymen.

II-6. The proposed amendment also provides that the house of assemblymen shall be the judge of the election, returns and qualifications of its members, and that a majority of all assemblymen shall constitute a quorum thereof, but that a lesser number may adjourn from day to day and compel the attendance of absent assemblymen.

II-6a. The proposed amendment also provides for a legislative council, consisting of a number of emeritus members or councillors, ex officio members or councillors and territorial members or councillors, as follows:

Emeritus Councillors

Former United States Senators from Ohio

Former Governors of Ohio

The Candidate for Governor of Ohio, who, at the most recent election, shall have received the second greatest number of votes.

Ex Officio Councillors

Chief Justice of the Supreme Court

Governor

Lieutenant Governor

Auditor of State

Secretary of State

Treasurer of State

Attorney General

President pro tempore of the House of Assemblymen

Territorial Councillors

Nine Assemblymen, elected by the House of Assemblymen.

The proposed amendment further contains certain provisions regarding eligibility for membership on the legislative council, and regarding terms of office of members of the legislative council.

II-6b. The proposed amendment also specifies the method of election of territorial councillors or members of the legislative council by the house of assemblymen, and for appointments in case of failure to elect or in case of vacancies.

II-6c. The proposed amendment also defines the duties and privileges of the legislative council; provides for the compensation of the members thereof; and provides that the territorial members of the legislative council (i. e., territorial councillors) throughout any biennial period, without election by the electors shall be members of the house of assemblymen (i. e., assemblymen-at-large) during the next succeeding biennial period shall have the privilege of the floor at any session of any succeeding house of assemblymen, and may subsequently be appointed by any governor to any administrative or executive office without confirmation by the house of assemblymen.

II-7. The proposed amendment also contains certain provisions regarding the organization of the house of assemblymen and the appointment of committees thereof; provides that a majority of the members of a committee shall constitute a quorum thereof; and contains certain provisions regarding committee reports and for relieving committees from the further consideration of pending bills and other matters by means of the procedure and under the conditions specified therein.

II-8. The proposed amendment also contains certain provisions regarding officers and rules of the house of assemblymen and regarding powers of the house of assemblymen to compel the attendance of absentees, to punish assemblymen or the lieutenant governor for disorderly conduct, to expel any assemblyman, to provide for its safety and the undisturbed transaction of its business, to obtain information affecting legislative action or concerning any alleged breach of its privileges by or misconduct of any assemblyman, and to enforce the attendance and testimony of witnesses and the production of books and papers.

II-9. The proposed amendment also contains certain provisions regarding the vote of the house of assemblymen; and declares that a bill or resolution or other measure or question shall be deemed to be passed by the house of assemblymen in the event that it shall receive the affirmative vote of a majority of all assemblymen, or of such greater number of assemblymen as is required by the constitution, and be signed by the presiding officer.

II-11. The proposed amendment also provides for the filling of vacancies in the house of assemblymen.

II-16. The proposed amendment also contains certain provisions regarding the introduction and passage of bills; provides that emergency laws and predominant laws passed by the house of assemblymen, and also other laws passed by the vote of two-thirds of all assemblymen, shall be filed with the secretary of state and become laws without being presented to the governor for approval; provides that the clerk of the house of assemblymen shall present to the governor every other bill passed by the house before it is filed with the secretary of state and becomes a

law; provides that the governor shall have a specified period of time for the consideration of bills passed and presented to him; provides that, if the governor approves any such bill, he shall sign it and file it with the secretary of state, and it shall thereupon become a law; provides that, if the governor disapproves any such bill, he shall veto it and return it to the clerk of the house, and it shall not become a law unless repassed; provides that, unless the house of assemblymen shall have adjourned, the clerk shall refer to the house for further consideration bills vetoed by the governor; provides that, if, upon further consideration, two-thirds of all assemblymen shall vote to repass any such vetoed bill, it shall be filed with the secretary of state and become a law notwithstanding the veto of the governor; provides that, if, within the period allowed the governor for the consideration of any bill passed by the house, he shall not either approve or veto the same, said bill shall be filed with the secretary of state and become a law; provides that the governor may veto any item or items in any appropriation bill (unless passed by a two-thirds vote) and that said item or items shall be void unless repassed in the manner provided for repassage of a bill; and specifies the time at which bills shall be deemed to become law, and the time at which laws shall go into effect.

II-1d. The proposed amendment also defines fiscal laws, emergency laws and predominant laws; sets forth certain restrictions against and requirements for the adoption or passage of such laws; provides that such laws shall not be subject to the referendum but shall go into effect immediately upon being filed with the secretary of state; provides that fiscal laws passed by the house of assemblymen shall be subject to veto by the governor (unless passed by a two-thirds vote), but that emergency laws and predominant laws shall not be subject to veto by the governor; and contains certain provisions regarding the amendment or repeal of fiscal laws, emergency laws and predominant laws.

II-17. The proposed amendment also contains certain provisions regarding the signing of bills and resolutions by the presiding officer of the house of assemblymen; and provides that bills or resolutions shall be deemed to be passed by the house of assemblymen at the time the presiding officer affixes his signature thereto.

II-17a. The proposed amendment also contains certain provisions regarding the submission to the people, under certain specified circumstances, in the same manner as an initiated bill, of bills which shall have received the affirmative vote of more than one-third of all assemblymen, but which shall have failed to be passed by the house of assemblymen, or of bills which shall have been passed by the house of assemblymen, been vetoed by the governor and not been repassed by the house over the governor's veto; and provides that, if a bill so submitted to the people shall be voted upon by forty per cent of the number of electors who shall have

voted at the preceding election for state officers, and shall be adopted by an affirmative majority of the votes cast thereon, it shall be the law and shall go into effect thirty days after the election.

II-17b. The proposed amendment also contains certain provisions regarding the expiration and re-enactment of laws.

II-18. The proposed amendment also provides for the style of laws passed by the house of assemblymen.

II-19. The proposed amendment also contains certain provisions whereby, under certain conditions, assemblymen are barred from appointment to certain civil offices.

II-23. The proposed amendment also contains certain provisions regarding impeachment and trials.

II-25. The proposed amendment also contains certain provisions regarding regular, special, extra and restricted sessions of the house of assemblymen.

II-29. The proposed amendment also contains certain restrictions against the payment of extra compensation to any officer, public agent or contractor and against the payment of certain claims.

II-31. The proposed amendment also contains certain provisions regarding the compensation of assemblymen and of the officers of the house of assemblymen.

III-15. The proposed amendment also provides that, if there be a vacancy (permanent or temporary) in the office of governor, the powers and duties of said office shall devolve upon other officers, and specifies such other officers.

III-16. The proposed amendment also provides that the lieutenant governor shall preside in the house of assemblymen; specifies and restricts the occasions upon which he may vote; provides for a president pro tempore of said body, to preside during the absence of, or if there be a vacancy in the office of lieutenant governor; provides that the lieutenant governor and the president pro tempore of the house of assemblymen shall be ex officio members of the legislative council, but without additional compensation; and provides for the compensation of the lieutenant governor and of the president pro tempore of the house of assemblymen.

III-17. The proposed amendment also provides that, if there be a vacancy (permanent or temporary) in the office of acting governor (i.e., in the office of lieutenant governor or in the office of president pro tempore), the powers and duties of the office of governor shall devolve upon other officers (or officer), and specifies such other officers (or officer).

III-18. The proposed amendment also provides that vacancies in elective state offices (other than governor or lieutenant governor) shall be filled by appointment by the governor for the full unexpired term,

and that subsequent to 1936 any elected governor may appoint himself to any vacancy in the United States Senate.

XVII-2. The proposed amendment also specifies that the term of office of all officers elected by the people shall be such even number of years as is prescribed in the Constitution or as may be provided by statute; provides that all vacancies in such offices shall be filled in such manner as is prescribed in the constitution or as may be provided by statute; and restricts the terms of office of elective judges to fourteen years and the terms of office of other elective officers to six years.

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 1 of Article XI; by repealing Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XI; by amending Sections 1, 1d, 2, 3, 6, 7, 8, 9, 11, 16, 17, 18, 19, 23, 25, 29 and 31 of Article II; by adopting and adding to Article II six new sections, Sections 2a, 6a, 6b, 6c, 17a and 17b; by repealing Sections 14 and 15 of Article II; by repealing Sections 8 and 9 of Article III; by amending Sections 15, 16, 17 and 18 of Article III; and by amending Section 2 of Article XVII. John W. Bricker, Attorney General.”

Respectfully,

JOHN W. BRICKER,
Attorney General.

5847.

APPROVAL—CONTRACT FOR ARCHITECTURAL SERVICES
IN CONNECTION WITH ERECTION OF THEATRE AT
CAMP PERRY, OHIO, \$500.00—HARRY C. HOLBROOK,
COLUMBUS, OHIO, CONTRACTOR.

COLUMBUS, OHIO, July 16, 1936.

HON. EMIL F. MARX, *Adjutant General, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and opinion a contract between the State of Ohio, acting by and through the Adjutant