

kept by the state treasurer from sums turned over to him by the treasurer after each meeting; balances in the fund at the close of fiscal year, over indebtedness and over \$5,000.00, shall be turned over to the general revenue fund. The secretary of the board shall enforce the provisions of this Act. A penalty of fine and imprisonment is prescribed for violation, and all Acts in conflict with its provisions are hereby repealed."

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."

It is to be noted that both the bill and synopsis are identical to those submitted to my predecessor, who approved the synopsis in his opinion numbered 2762, dated October 19, 1928, and addressed to Mr. Raymond O. Snow, Secretary Ohio State Chiropractic Society.

After examining the provisions of the proposed act, it is my opinion that the foregoing synopsis is a fair and impartial statement of the proposed law, and I, therefore, as Attorney General of Ohio, pursuant to the provisions of Section 5175-29e of the General Code, hereby certify that the foregoing synopsis is a truthful statement of the contents and purpose of said proposed law.

Respectfully,
GILBERT BETTMAN,
Attorney General.

320.

STATE BOARD OF ACCOUNTANCY—MEMBERS APPOINTED BY GOVERNOR WITHOUT CONFIRMATION OF SENATE.

SYLLABUS:

The members of the State Board of Accountancy are appointed by the Governor and appointments so made become effective without having been confirmed by the Senate.

HON. MYERS Y. COOPER, *Governor of Ohio, Columbus, Ohio.*

MY DEAR GOVERNOR:—I am in receipt of your communication wherein you request my opinion with reference to whether or not appointment of members of the State Board of Accountancy, to be made by you, should be submitted to the State Senate for confirmation.

The statute, authorizing appointments to this board, is Section 1371, General Code, which reads as follows:

"Each year the governor shall appoint one member of the state board of accountancy who shall serve for a term of three years and until his successor is appointed and qualified. A vacancy in the board shall be filled by the governor by appointment for the unexpired term."

By the terms of the foregoing statute the power to make appointments of members of the State Board of Accountancy is extended to the Governor without qualification. No mention is made of such appointments having to be confirmed by the Senate or by any other authority.

In a number of other statutes wherein appointments are authorized by the Governor, it is provided that the appointments shall be made "with the advice and consent of the senate," as, for instance, the directors of the several administrative departments authorized by the so-called administrative code. It is provided by Section 154-4, that these directors shall be appointed by the Governor "by and with the advice and consent of the Senate;" and in Section 487, General Code, it is provided that the members of the Public Utilities Commission shall be appointed by the Governor "with the advice and consent of the Senate;" also the members of the State Board of Pharmacy, by the terms of Section 1296, General Code, are to be appointed by the Governor "with the advice and consent of the Senate."

There is no general statute or any constitutional provision which requires that all appointments made by the Governor must be confirmed by the Senate or that they are to be made with the advice and consent of the Senate. And apparently where the Legislature did not provide that the appointments should be made with the consent and advice of the Senate or should be confirmed by the Senate, it was the intention that the Governor should make the appointments and that the same need not be confirmed by the Senate.

I am therefore of the opinion, in specific answer to your inquiry, that the names of appointees to the State Board of Accountancy should not be submitted to the Senate for confirmation.

Respectfully,
GILBERT BETTMAN,
Attorney General.

321.

ROAD IMPROVEMENT—APPLICATION FOR STATE AID BY COUNTY COMMISSIONERS AND APPROVAL BY HIGHWAY DIRECTOR BEFORE NORTON-EDWARDS ACT—PROCEEDING PENDING—MAY PROCEED UNDER ORIGINAL APPLICATION.

SYLLABUS:

When the county commissioners of a county filed application for state aid in 1922 under the provisions of Section 1191, General Code, as then in force and effect, and the Director of Highways approved such application in 1922 under the provisions of Section 1195, General Code, as then in force, proceedings are pending within the meaning of Section 26 of the General Code and obligations are incurred within the meaning of Section 1230, General Code, and therefore, the Director of Highways and the county commissioners are authorized to proceed with the improvement in question upon the original application.