

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-

stitution of Ohio by adopting a new section to be known as section 13 of Article XII."

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

---

877.

PUBLIC EMPLOYEES RETIREMENT ACT—GENERAL CODE OF OHIO—NO PROVISION IN EITHER THAT PERSONS PAST AGE OF SEVENTY YEARS ON FIRST DAY OF EMPLOYMENT, INELIGIBLE FOR EMPLOYMENT BY A STATE DEPARTMENT—COMPULSORY RETIREMENT.

*SYLLABUS:*

*Nothing in the Public Employes Retirement Act or any other provision of the General Code of Ohio makes ineligible for employment by a state department persons who are past the age of seventy years on the first day of their employment.*

COLUMBUS, OHIO, July 13, 1939.

HONORABLE WILSON E. HOGE, *Secretary, Public Employes' Retirement System, Columbus, Ohio.*

DEAR SIR: I have your letter requesting my opinion as to whether or not a person over seventy years of age is eligible to be employed by one of the departments of state.

You invite my attention to Section 486-59, General Code, which, as you point, "provides compulsory retirement at 70 years of age, with certain specific exceptions for certain periods," and you ask whether or not persons who are "past the age of 70 years on the first date of their employment" may be so employed.

An examination of the Public Employes Retirement Act, Sections 486-32 to 486-71, inclusive, General Code, disclose that there is nothing in any of said sections making ineligible for appointment by one of the state departments a person who has attained seventy years of age, and I know of no provision in the General Code containing any such limitation or prohibition.

Section 486-59, General Code, was amended by the 93rd General Assembly in Amended Senate Bill No. 54, effective June 30, 1939, the second paragraph of which reads as follows:

"At the end of the year in which he becomes a member the retirement board shall retire any state employe who was over seventy years of age at the time he became a member and shall