

204.

APPROVAL, LEASES FOR LAND IN PERRY TOWNSHIP, STARK COUNTY FOR USE OF THE MASSILLON STATE HOSPITAL.

COLUMBUS, OHIO, March 18, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your communication of recent date submitting for my examination and approval two leases in triplicate taken by your department, covering certain land in Perry Township, Stark County, Ohio, to be cultivated and used in connection with the Massillon State Hospital. The leases submitted are as follows:

<i>Lessor</i>	<i>Lands</i>
Frank J. Zopf.....	75 acres
Mary E. Smith.....	72.58 acres

An examination of the leases submitted shows that the same are within the authority conferred upon you as the successor of the Board of Administration of the State of Ohio by Section 1848 of the General Code, and that said leases are substantially in the form required by law.

No encumbrance estimates are submitted with these leases, but in lieu thereof you have furnished me with a statement showing that you have sufficient balances in your H 6 rent appropriation account to pay the rental on these leases. Said leases are, therefore, approved and I am endorsing my approval upon said leases and the triplicate copies thereof, all of which are herewith returned.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

205.

APPROVAL, LEASE FOR RIGHT TO USE WATER TAKEN FROM SUMMIT LEVEL OF THE OHIO CANAL, IN THE CITY OF BARBERTON, SUMMIT COUNTY—PITTSBURG PLATE GLASS COMPANY.

COLUMBUS, OHIO, March 18, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a certain lease in triplicate, executed by you as Superintendent of Public Works and as Director thereof, on behalf of the State of Ohio, whereby there is granted to the Pittsburg Plate Glass Company, Columbia Chemical Division, Barberton, Ohio, the right to take from the Summit Level of the Ohio canal in the city of Barberton a supply of one billion gallons of water per annum, for a period of ten years. An examination of the lease submitted shows that the same is in all respects in proper form and within the authority conferred upon you by Section 14009, General Code. Said lease is, therefore, approved as to legality and form.

The consideration to be paid to the State of Ohio for the use of this water is a flat rental of \$4,500.00 per year. Finding said rentals to be in all respects just and reasonable, the same is likewise hereby approved.

My approval is endorsed upon the lease forms submitted, all of which are herewith returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

206.

HOUSE BILL NO. 357—FIXING QUALIFICATIONS FOR A DIRECTOR OF EDUCATION AND MAKING SUPERINTENDENT OF PUBLIC INSTRUCTION HIS ASSISTANT—UNCONSTITUTIONAL.

*SYLLABUS:*

*The provisions of House Bill No. 357, if enacted into law, would be unconstitutional.*

COLUMBUS, OHIO, March 18, 1929.

HON. S. K. MARDIS, *Chairman, School Committee, House of Representatives, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your communication requesting my opinion with reference to the constitutionality of the terms of House Bill No. 357. The title and text of said House Bill No. 357 (omitting parts thereof not pertinent to your inquiry, are as follows:

“A BILL

To amend Sections 154-3, 154-5 and 2250 of the General Code, to create the offices of Director of Education and Assistant Director of Education and defining their powers and duties, also to define the duties and powers of the state Superintendent of Public Instruction.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I. That Sections 154-3, 154-5 and 2250 of the General Code be amended to read as follows:

Sec. 154-3. Administrative departments created:

The following administrative departments are created: \* \* \*

The Department of Education, which shall be administered by \* \* \* a Director of Education as director thereof. The Director of Education shall be a graduate of a four-year course of a reputable college, and shall have at least ten (10) years' experience in the public schools of Ohio, five years of which shall have been as city, county or village superintendent, and all duties and powers now vested in the state Superintendent of Public Instruction shall be vested in the Director of Education. \* \* \*

Sec. 154-5. Assistant Director.

There shall be created the office of assistant Director of Education, who shall be the state Superintendent of Public Instruction, with such duties and powers as the Director of Education shall prescribe. He shall be paid only the salary now paid to the Superintendent of Public Instruction, which is four thousand (\$4,000) dollars.