

the board of education issuing the same from any revenues accruing to the district except those from the state public school fund. If the language of Section 2 of this House Bill 701, *supra*, were to be considered as mandatory upon the board of education to issue notes, then it would be compelling boards of education in many instances to use their revenues to pay interest on notes that they might deem it unnecessary to issue in light of their financial requirements and circumstances. How then can a mandatory interpretation be placed upon Section 2 and yet coincide with the underlying principles of the school foundation law?

I am therefore of the opinion that it is discretionary with the board of education as to whether or not it will borrow money and issue notes in anticipation of the amount so certified to them by the Director of Education.

In view of the fact that your second question is predicated on the assumption that the borrowing of money is mandatory and I have rendered my opinion that it is discretionary, I do not feel that this second question need be answered.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

321.

APPROVAL—PETITION PROPOSING AMENDMENT TO THE
CONSTITUTION OF OHIO BY ADOPTION AND ADDING
TO ARTICLE XV, SECTION 11.

COLUMBUS, OHIO, March 24, 1937.

MR. GEORGE FORD, 154 *West Park Ave.*, Columbus, Ohio.

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing the following proposed constitutional amendment and a summary of the same:

“TEXT OF PROPOSED AMENDMENT:

BE IT RESOLVED BY THE PEOPLE OF THE
STATE OF OHIO: That the Constitution of Ohio be amended

by the adoption of an addition to Article XV, and to be known as Section 11, which shall read as follows:

That the interest rate on all loans, accounts or other obligations, charged by all Banks, Building & Loan Associations, Corporations, Firms or Individuals, whether secured or unsecured shall not exceed six per-cent (6%) per year. No unpaid interest obligation shall be compounded unless specifically set forth in writing.

Interest shall not be collected in advance on any loan made, whether by the amortization plan of principal payment or otherwise, and shall be collected only on the unpaid balance on the date of payment.

It shall be lawful for Corporations, Firms or Individuals to make loans of money on chattel security. For such money loans the rate of interest shall not exceed one per-cent (1%) per month on all loans of less than \$300.00 to any one person, and on all loans of \$300.00 and over the rate of interest shall not exceed one half of one per-cent ($\frac{1}{2}$ of 1%) per month. No advance interest deduction, commission or other charge shall be made or collected by reason of making such loans."

SUMMARY:

"To make uniform the interest rate charged by Banks, Building & Loan Associations, Corporations, Firms or Individuals on secured or unsecured loans, by establishing a maximum rate of six per cent (6%) per year.

The rate charged by Chattel Loan Companies shall not exceed one percent (1%) per month on sums up to \$300.00. On sum of \$300.00 and over the rate shall not exceed one-half of one percent ($\frac{1}{2}$ of 1%) per month.

To regulate the interest payment on the amortization plan of principal payment. Prohibits the collection of interest in advance. Prohibits the collection of commission or any other charges for making such loans."

I am of the opinion that the foregoing is a fair and truthful statement of the proposed 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 foregoing summary is a fair and truthful statement of

the proposed amendment to the Constitution of Ohio by adopting and adding to Article XV, Section 11. HERBERT S. DUFFY, Attorney General."

Respectfully,

HERBERT S. DUFFY,
Attorney General.

322.

APPROVAL— BY DISCUSSION OF PROPOSAL TO AMEND THE CONSTITUTION OF OHIO BY ADOPTING AND ADDING TO ARTICLE IV, ETC.—OHIO COMMITTEE ON JUDICIAL SELECTION.

COLUMBUS, OHIO, March 24, 1937.

MR. FRED J. MILLIGAN, *Secretary, Ohio Committee on Judicial Selection, 16 East Broad Street, Columbus, 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 adopting and adding to Article IV seven new sections, Sections 1a, 1b, 1c, 1d, 1e, 1f and 1g, and by amending Sections 2, 6, 10, 13, 14, 15 and 18 of Article IV. Copy of this proposed constitutional amendment and the summary of the same is attached hereto.

EXHIBIT A

TEXT OF PROPOSED AMENDMENT TO THE CONSTITUTION OF OHIO PROPOSED BY INITIATIVE PETITION TO BE SUBMITTED DIRECTLY TO THE ELECTORS.

BE IT RESOLVED BY THE PEOPLE OF THE STATE OF OHIO: That Section 1 of ARTICLE IV of the Constitution of Ohio be supplemented by adding Sections 1a,