

insurance corporations under the supervision of the insurance department. As it stands, however, the section clearly does not apply to any foreign insurance corporation, whether under the supervision and authority of the superintendent of insurance, or otherwise.

In view of what has been said, I am of the opinion that a foreign corporation cannot be admitted to this state for the purpose of engaging in the business of guaranteeing titles to real property. Accordingly, the company concerning which you inquire, which is engaged in this class of business, cannot be qualified to do business in Ohio.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

3047.

HEALTH COMMISSION—GENERAL HEALTH DISTRICT—LICENSED  
PHYSICIAN RESIDENT OF CITY OUTSIDE OF DISTRICT MAY  
BE EMPLOYED.

*SYLLABUS:*

*A licensed physician living in a city, which is not a part of a general health district, may be appointed or employed as health commissioner of said general health district.*

COLUMBUS, OHIO, December 21, 1928.

HON. JAMES COLLIER, *Prosecuting Attorney, Ironton, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your recent communication, which reads as follows:

“I have been asked the question whether a physician living in the city of Ironton, Lawrence County, Ohio, is qualified to serve as County Health Commission. The county health district does not include the City of Ironton. The physician lives within the city limits but practices his profession both in the city and in the county.

For several reasons I have been unable to satisfy the interested parties and therefore ask your opinion in this matter.”

The provisions of the Ohio statutes pertinent to your inquiry are Sections 1261-16 et seq., General Code.

Section 1261-16, General Code, provides:

“For the purposes of local health administration the state shall be divided into health districts. Each city shall constitute a health district and for the purposes of this act (G. C., Sections 1261-16 et seq.) shall be known as and hereinafter referred to as a city health district. The townships and villages in each county shall be combined into a health district and for the purposes of this act shall be known as and hereinafter referred to as a general health district. As hereinafter provided for, there may be a union of two general health districts or a union of a general health district and a city health district located within such district.”

Section 1261-19, General Code, provides:

"Within thirty days after the appointment of the members of the district board of health in a general health district, they shall organize by selecting one of the members as president and another member as president pro tempore. The district board of health shall appoint a district health commissioner upon such terms, and for such period of time, not exceeding two years, as may be prescribed by the district board. Said appointee shall be a licensed physician and shall be secretary of the board and shall devote such time to the duties of his office as may be fixed by contract with the district board of health. Notice of such appointment shall be filed with the state commissioner of health. The district health commissioner shall be the executive officer of the district board of health and shall carry out all orders of the district board of health and of the state department of health. He shall be charged with the enforcement of all sanitary laws and regulations in the district, and shall have within the general health district all the powers now conferred by law upon health officers of municipalities. It shall be the duty of the district health commissioner to keep the public informed in regard to all matters affecting the health of the district."

In your communication you state that the city of Ironton is not included in the county health district and therefore the provisions of Section 1261-20, General Code, relating to the union of city and general health districts, have no application and need not be considered in this opinion.

It will be observed that while Section 1261-19, supra, provides that the person appointed or employed as district health commissioner must be a licensed physician, prescribes his duties and fixes the limit of his term, there is nothing in said section which requires, or even suggests, that he must be a resident of the district; nor is there any such requirement to be found in any related section.

In an opinion of the Attorney General rendered to the Director of Health under date of May 5, 1924, and found in Opinions of the Attorney General for 1924, on page 214, it was held that a physician may be employed as health commissioner for both a city health district, under Section 4408, General Code, and a general health district, under Section 1261-19, General Code. In the course of the opinion, after quoting a portion of Section 1261-19, supra, it was said:

"This section relates to general health districts and provides for the appointment of a district health commissioner for a term not to exceed two years, provides that he shall be a physician and devote his time to said duties as fixed by contract.

There is no qualification that he shall be a resident of the health district."

In view of the foregoing and in specific answer to your question, it is my opinion that a licensed physician living in a city, which is not a part of a general health district, may be appointed or employed as health commissioner of said general health district.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*