

795.

APPROVAL, NOTES OF NEAVE RURAL NO. 4 SCHOOL DISTRICT,
DARKE COUNTY, OHIO—\$258.00.

COLUMBUS, OHIO, May 9, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

796.

APPROVAL, NOTES OF BUTLER TOWNSHIP RURAL SCHOOL DIS-
TRICT, RICHLAND COUNTY, OHIO—\$1,228.00.

COLUMBUS, OHIO, May 9, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

797.

APPROVAL, NOTES OF SCOTT TOWNSHIP RURAL SCHOOL DIS-
TRICT, BROWN COUNTY, OHIO—\$2,486.00.

COLUMBUS, OHIO, May 9, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

798.

APPROVAL, NOTES OF GREENE RURAL SCHOOL DISTRICT, ADAMS
COUNTY, OHIO—\$2,970.00.

COLUMBUS, OHIO, May 9, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

799.

BOND INVESTMENT COMPANIES — DIRECTOR OF COMMERCE
AUTHORIZED TO DELEGATE DUTIES OF SUPERVISOR THEREOF
TO DIVISION WITHIN HIS DEPARTMENT.

SYLLABUS:

Since the repeal of Section 696 of the General Code, which section provided that the deputy inspector of building and loan associations shall be the supervisor

of bond investment companies, the director of commerce has been authorized by Section 154-8, General Code, to delegate the duties of supervisor of bond investment companies to any division established within his department.

COLUMBUS, OHIO, May 9, 1933.

HON. MAURICE J. ALLEN, *Chairman of Committee on Insurance, Ohio House of Representatives, Columbus, Ohio.*
Columbus, Ohio.

DEAR SIR:—Your letter of recent date is as follows:

“There is pending before the Insurance Committee, House Bill 436, seeking to re-enact Section 696 of the General Code having to do with the supervision of Bond Investment Companies.

We wish to be advised whether there is any warrant in law for a delegation by the Director of Commerce of his power to act as the Supervisor of Bond Investment Companies.

Also what in your opinion was the effect of the repeal of Section 696 of the General Code upon Bond Investment Companies.”

House Bill 436, to which you refer, provides for the enactment of Section 696-1, General Code, to read as follows:

“By virtue of his office, the superintendent of insurance shall be the supervisor of bond investment companies. He shall see that the laws of this state relating to such companies are strictly enforced.”

Section 696, as codified in 1910, provided as follows:

“By virtue of his office, the deputy inspector of building and loan associations shall be the supervisor of bond investment companies. He shall see that the laws of this state relating to such companies are strictly enforced.”

This section was repealed in 1923 in an act revising the provisions of the General Code with respect to building and loan associations. - 110 O. L. 62. This last mentioned act, however, made no reference to the supervisor of bond investment companies.

At the time of the enactment of the administrative code, Sections 154-1, et seq., General Code, in the year 1921, the duties of the supervisor of bond investment companies were accordingly under the jurisdiction of the superintendent of building and loan associations, one of the offices in the department of commerce. I am unable to say that the repeal of Section 696 two years later served to remove the office of supervisor of bond investment companies from the department of commerce. In my judgment, the only effect of the repeal of this section was to leave to the discretion of the director of commerce the matter of what office or division under his jurisdiction should be charged with the administration of the sections of the General Code relating to bond investment companies. Section 696 was a special provision as to the officer which should administer this law and, of course, under well established rules of statutory construction, was controlling over the general provisions of the administrative code.

With respect to your inquiry as to whether or not there is any warrant in law for a delegation by the director of commerce of his power to act as the supervisor of bond investment companies, I have already indicated that such authority exists.

I have been advised that the assistant director of commerce has been designated by the director of commerce as supervisor of bond investment companies. Section 154-6, General Code, creates within the department of commerce the offices of superintendent of building and loan associations, fire marshal and superintendent of insurance. Section 154-5, General Code, provides as follows:

"In each department there shall be an assistant director, who shall be designated by the director to fill one of the offices within such department, enumerated in section 154-6 of the General Code, or as the head of one of the divisions created within such department as authorized by section 154-8 of the General Code. When a vacancy occurs in the office of director of any department, the assistant director thereof shall act as director of the department until such vacancy is filled."

Section 154-8 provides in part:

"The officers mentioned in sections 154-5 and 154-6 of the General Code shall be under the direction, supervision and control of the directors of their respective departments, and shall perform such duties as such directors shall prescribe.

With the approval of the governor, the director of each department shall establish divisions within his department, and distribute the work of the department among such divisions. Each officer created by section 154-6 of the General Code shall be the head of such a division.

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The assistant director of commerce is head of the division of securities, one of the divisions established within the department of commerce. It follows therefore that the authority contained in Section 154-8, *supra*, to distribute the work of the department of commerce among the divisions established within the department would apparently justify the delegation by the director of commerce of his power to act as supervisor of bond investment companies to the assistant director of commerce.

In specific answer to your questions, it is my opinion that since the repeal of Section 696 of the General Code, which section provided that the deputy inspector of building and loan associations shall be the supervisor of bond investment companies, the director of commerce has been authorized by Section 154-8, General Code, to delegate the duties of supervisor of bond investment companies to any division established within his department.

Respectfully,

JOHN W. BRICKER,
Attorney General.