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DISAPPROVAL—CERTIFICATE OF AMENDMENT TO ARTICLES OF INCORPORATION OF THE OHIO HOSPITAL MUTUAL INSURANCE COMPANY—INTERPRETATION OF SECTIONS 9607-2, 9607-2a, 9445, GENERAL CODE—SEE OPINIONS 2885, AUGUST 27, 1938—3012, SEPTEMBER 24, 1938.

COLUMBUS, OHIO, August 15, 1938.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your letter of recent date enclosing a certificate of amendment to the articles of incorporation of The Ohio Hospital Mutual Insurance Company.

Your office informs me that the above mentioned company is organized to transact an insurance business under the provisions of Section 9607-2, General Code. Section 9607-2a, General Code, provides the requirements for amending articles of incorporation of a mutual insurance company. The resolution embodied in the certificate of amendment submitted by you indicates that the requirements of Section 9607-2a, General Code, have not been complied with in that the thirty days' notice provided for in Section 9607-2a has not been given to the members of the insurance company in the manner prescribed in that section.

It seems that the purpose of the amendment is to authorize the company to engage in an insurance business provided for in Section 9445, et seq., General Code, which is an insurance business other than that provided for in Section 9607-2, General Code, under which section the company is incorporated. Inasmuch as the requirements of an insurance company doing business under Section 9445, General Code, are different than the requirements of an insurance company doing business under Section 9607-2, General Code, it is my opinion that a corporation organized under the provisions of Section 9607-2, General Code, may not by an amendment alter its articles of incorporation in order to transact an insurance business provided for under Section 9445, General Code.

In view of the above, I am returning the certificate of amendment without my approval.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*