October 4,1938.

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Senator James Minotto,
Senate Chambers,
Phoenix,Arizona.

Dear Sir:

In response to your request for an opinion from this office as to whether the Governor may appoint a supervisor for the Arizona State Prison, with authority to perform the duties of the Superintendent of the Prison, you are advised that it is the opinion of this office that the Governor may not delegate to a supervisor of the Prison the powers and duties of the Superintendent of said institution.

Section 2020 of the Code provides that the Governor, as President of the Board of Directors of State Institutions, shall appoint a Superintendent of the State Prison and an Assistant Superintendent or turn-key of the prison, whose duties shall be prescribed by the Superintendent and the Board of Directors of State Institutions, and who shall, during the absence of the Superintendent from the Prison, perform the duties of the Superintendent.

From the foregoing statutory provision, it is clear that the duties of the Superintendent of the State Prison may not be delegated to any person other than the Assistant Superintendent, who can only perform the Superindent's duties when the Superintendent is absent from the Prison.

Very truly yours,

JOE CONWAY,
Attorney General

EARL ANDERSON,
Special Assistant
Attorney General.

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