

**Funds—Fire Department Relief Association—Insurance Premiums.**

Section 5135 R. C. M. 1921, as amended by chapter 58, laws of 1927, provides the purposes for which the funds of the association may be used, and as the payment of insurance premiums is not authorized by this section the funds cannot be used for that purpose.

February 20, 1928.

George P. Porter, Esq.,  
State Auditor,  
Helena, Montana.

My dear Mr. Porter:

You have requested my opinion on the following question:

Can a fire department use the funds belonging to the Fire Department Relief Association for the purpose of paying premiums for health and accident insurance for its members?

Section 5135 R. C. M. 1921, as amended by chapter 58 of the session laws of 1927 provides as follows:

“Use of disability and pension fund of Fire Department Relief Association: Said fund shall not be used for any other purpose whatsoever, other than for the payment of the following:

“1. A service pension to a member who, by reason of service, has become entitled to a service pension.

“2. A pension to a member who has become maimed or disabled in line of duty.

“3. A benefit or allowance to a member who has suffered injury in line of duty.

“4. A benefit or allowance to a member who has contracted sickness in line of duty.

“5. To defray the funeral expenses of a member in an amount not to exceed however the sum of Two Hundred Fifty Dollars (\$250.00).

“6. Payment of a pension to the widow, orphan or orphans of a deceased member.

“7. All claims shall be paid by warrant duly authorized, drawn by the secretary, and countersigned by the president of the association and on presentation thereof, the treasurer shall pay the same out of the said disability and pension fund.”

It is therefore my opinion that funds belonging to the fire department relief association can not be used for the purpose of paying premiums on health and accident insurance for the members of the fire department.

Very truly yours,

L. A. FOOT,  
Attorney General.