

**Constitution—Legislature—Insurance— Contracts — Ap-  
propriations.**

The constitution does not prohibit a member of the legislature from taking premiums on state insurance because of having voted for the appropriation for that purpose.

State Board of Examiners,  
Helena, Montana.

March 29, 1927.

Gentlemen:

My opinion has been requested whether a member of the legislature is prohibited by the constitution from writing insurance on state property awarded to him by the state board of examiners because said member voted for the appropriation bill appropriating money to pay such premiums.

Section 44 of article V of our constitution provides as follows:

“Sec. 44. A member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.”

When appropriations are made for the payment of premiums on policies of insurance covering state property it is impossible for anyone to say who will be the recipients of the proceeds of the appropriations.

The insurance is awarded by the state board of examiners to various applicants and this is done after the appropriation is made to cover the premiums. A member of the legislature when voting upon an appropriation bill covering premiums for insurance is not able to say that he has, or ever will have, any interest in the appropriation measure.

This constitutional provision was never intended, in my opinion, to cover a situation such as that embraced in your inquiry. It was intended to reach a situation where the member's personal interest was such that it might affect his official action with respect to the pending measure.

It is therefore my opinion that there is no constitutional prohibition against the payment of a claim to a member of the legislature for insurance premiums on policies covering state property.

Very truly yours,

L. A. FOOT,  
Attorney General.