

Insurance—Legislation.

The activity of an insurance company in advocating legislation affecting the public health which might be the subject of partisan politics and closely allied with the political fortunes of candidates or political parties would be in violation of section 6285 R.C.M. 1921.

George P. Porter, Esq.,
State Auditor and Commissioner
of Insurance,
Helena, Montana.

January 17, 1929.

My dear Mr. Porter:

You have submitted to me a letter from the Metropolitan Life Insurance Company wherein it is stated that the welfare division of said company at certain intervals cooperates with the health department in various cities and states for the purpose of securing meritorious health legislation. Usually its participation is limited to the printing, issuing and distributing, at the request of some state department or institution, of handbills supporting such legislation, and you request my opinion whether this would be violating the provisions of Section 6285 R.C.M. 1921.

Section 6285, *supra*, provides as follows:

"No insurance company or association, including fraternal beneficiary associations, doing business in this state, shall, directly or indirectly, pay or use or offer, consent, or agree to pay, or use any money or property for or in aid of any political party, committee, or organization, or for or in aid of any corporation, joint stock, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stock-holder, attorney, or agent of any corporation or association which violates any of the provisions of this act, who participates in, aids, abets, or advises, or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this act, shall be guilty of a misdemeanor, and be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars, and any officer aiding or abetting in any contribution made in violation of this act shall be liable to the company or association for the amount so contributed. No person shall be excused from attending and testifying, or producing any books, papers, or other documents before any court or magistrate, upon any investigation, proceeding, or trial, for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding."

It is to be noted that this section contains the broad phrase "nor for any other political purposes whatever." Bouvier's Law Dictionary de-

finer the word "politics" as meaning everything that concerns the government of the country, and the word "political" as pertaining to policy or the administration of the government.

It is my opinion that the enactment or repeal of legislation relating to the public health is a political function of government and that the activity of the company with relation thereto as outlined above would be in violation of the provision of this act. Furthermore, legislation affecting the public health might be the subject of partisan politics closely allied with the political fortunes of candidates, or political parties, in which event the advocacy of the legislation by the company in the manner mentioned above would tend to aid the candidate or political party sponsoring the same which would also be in violation of the act.

Very truly yours,
L. A. FOOT,
Attorney General.
By S. R. Foot, Assistant.