

**County Officers—County Attorneys—County Assessors—  
Contracts—Insurance.**

The County Attorney or County Assessor is not prohibited by statute from acting as a local agent of a fire insurance company and receiving for his own use part of the premium paid by the county covering insurance upon property belonging to said county.

R. N. Hawkins, Esq.,  
Assistant State Examiner,  
Helena, Montana.

October 15, 1929.

My dear Mr. Hawkins:

You have requested an opinion upon the question of whether a county attorney or county assessor acting as a local agent of a fire insurance company can receive for his own use any portion of a premium which is paid by the county covering insurance upon property belonging to the county.

Section 444 R.C.M. 1921 reads as follows:

“Members of the legislative assembly, state, county, city town, or township officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.”

It will be observed that the prohibition contained in the above section is against the officer specified therein being interested in contracts made by them in their official capacity, or by any body or board of which they are members. The county insurance is let by the board of county commissioners. Neither the county attorney nor the county assessor makes the insurance contracts nor are they members of the board which makes them.

Therefore, the contracts of insurance are not such as the above statute prohibits the county attorney and county assessor having an interest in and there is no legal objection to these officers receiving a part of the premium that is paid by the county for the insurance.

Very truly yours,

L. A. FOOT,  
Attorney General.