

## Opinion No. 12-916

June 28, 1912

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Hon. T. J. Mabry, Clovis, N. M.

### **INTEREST OF MEMBER OF LEGISLATURE IN CONTRACT WITH STATE.**

Member of legislature owning stock in a newspaper company which prints matter required by law and also prints forms and blanks for the state under authority granted by the legislature of which he was not a member cannot be said to be interested in a contract with the state.

### **OPINION**

{\*53} You recently inquired of me orally as to whether the publication by a newspaper company, in which you held a small amount of stock, of such matters as are mentioned and referred to in the recent act of the legislature relative to publications, which was senate substitute for senate bill No. 11, could be considered as any violation of the prohibition contained in the last clause of Section 28 of Article IV of the Constitution, and I have to say that I am of opinion that such publication would not. That clause is the one which declares that no member of the legislature during the term for which he is elected, nor within one year thereafter, shall "be interested directly or indirectly in any contract with the state or any municipality thereof, which was authorized by any law passed during such term."

The Act of the legislature about which you ask does not authorize any contract with the State or any municipality thereof. An examination of the whole Act will show that it refers to various publications already required by law, and fixes a maximum rate to be charged, and specifies in some instances the number of times that publication shall be made and the manner in which payment shall be made therefor. I can find nothing in this statute which would bring you within the constitutional provision referred to.

At the same time you also asked me the same question as to Section 48 of the new game and fish law, which is the same as Section 37 of Chapter 83 of the Laws of 1909, with a slight change as to the necessity of swearing to an application for a license. That section makes it the duty of the warden to prescribe and procure the printing of all forms and blanks required to carry out the intent of the Act, and I understand your question is as to the printing of such forms and blanks by the publishing company in which you hold some stock. If this authority to the warden were a new one, granted by the legislature of which you are a member, I would incline to the opinion that it would fall within the constitutional language hereinbefore quoted, but it is a mere continuance of the same authority which the game warden had had for more than three years, and I do not

believe that it ought so to be construed as to make it improper for your publishing company to do the printing work required.