propriations made available from the appropriations for the succeeding fiscal year shall submit to the state board of finance a statement showing the necessity therefor, the reason for such appropriation being exhausted and an itemized account of the expenditures made from such appropriation."


As you will observe, the above provision authorizes the state board of finance to make available out of the 1934 appropriation for operating expenses and equipment, a sum sufficient to meet any emergency deficit which may occur in your 1933 appropriation. There are, I think, obvious reasons for following this procedure rather than the one suggested by your question.

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INSURANCE COMMISSIONER: Agents for life insurance companies—whether license required for solicitation of applications preliminary to organization of assessment companies.

June 13, 1933.

Hon. Harry E. McClain,
Commissioner of Insurance,
Indianapolis, Indiana.

Dear Sir:
I have before me your letter as follows:

“One of the requirements for the formation of an assessment life or accident insurance company under the Indiana act of 1897 is that applications for insurance be obtained from at least 200 persons.

“Will you please advise us whether we can require that the persons soliciting these qualifying applications, taken before the insurance organization has been licensed, be licensed by this department.”

The act of 1897, referred to by you, is chapter 195 of the Acts of 1897. (Acts of 1897, page 318.) An examination of section 1 of that act discloses that the requirement of applications for membership of not less than two hundred persons is one of the necessary requirements preliminary to the organization of the association.
Chapter 71 of the Acts of 1931 relating to the licensing of life insurance agents and providing among other things that "no person shall, within this state, act as an agent for any company in soliciting applications for life insurance without having first obtained a license," in my opinion, clearly has reference to agents for corporations which have legal existence at the time when the applications are secured.

Section 4 of chapter 71 provides that:

"The applicant" (meaning the applicant for a license) "shall be vouched for by an official or a licensed representative of the company for which he proposes to act. * * *"

In the case of the preliminary applications, as required by the act of 1897, supra, there is no company in existence for which he proposes to act. The agent in such case, is performing an act connected with and preliminary to the organization. In my opinion, therefore, it would not be proper for you to require persons, who are engaged in securing these preliminary applications, to be licensed.

ADJUTANT GENERAL: Requisites for certification by attorney general that all conditions necessary to old New Albany, Indiana, property have been carried out.

June 13, 1933.

Honorable Elmer F. Straub,
The Adjutant General,
State of Indiana,
Indianapolis, Indiana.

Dear General Straub:

We are this day in receipt of your request that the attorney general certify in writing that all conditions necessary to the old New Albany, Indiana, armory property in compliance with chapter 157 (820-822), Acts of 1933, have been carried out.

Please be advised that before such certification of the attorney general may issue properly, we respectfully recommend that the following should be shown:

1. The determination of the armory board to dispose of such property as shown by a copy of the minutes of that board.