

1970 O. A. G.

OFFICIAL OPINION NO. 15

June 26, 1970

Mr. Robert K. Konkle, Superintendent
Indiana State Police Department
301 State Office Building
Indianapolis, Indiana 46204

Dear Mr. Konkle:

This is in response to your request for my Official Opinion pertaining to group insurance for the State Police Department, more specifically, asking the following two questions:

“1. Does the appropriation by the Acts of 1969, Ch. 397, apply to the Indiana State Police Department without enrollment by the Department employees in the plan for group hospitalization insurance for all state departments?”

“2. May this appropriation, if applicable to the Indiana State Police Department, be effected by a transfer of funds?”

ANALYSIS

The pertinent portion of Acts of 1969, Ch. 397, Sec. 2h, which is the Appropriations Act, reads as follows:

“FOR THE STATE BUDGET AGENCY—

GROUP INSURANCE		
CONTINGENCY FUND	1,500,000	1,500,000

The above appropriation for Group Insurance Contingency Fund is for the *full cost* of single low option coverage of a common and unified plan of group insurance for *all* state employees.” (My emphasis)

This has been interpreted by this office in 1970 O. A. G. No. 3, to mean that the Appropriation Act (above) provides funds for a single group insurance contract covering *all* full-time state employees (including state police), “and a state agency may not take its aliquot share of the appropriations and apply it to its existing insurance contract.” This means

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that even though the State Police Department is authorized by Acts of 1963, Ch. 394, Sec. 5, as amended by Acts of 1965, Ch. 339, Sec. 1, and found in Burns' (1969 Supp.), Section 60-1369, "to establish a common and unified plan of group insurance for its employees, as a separate entity of the state government," that authorization is subject to the Appropriation Acts, and the Appropriation Act in question is held not to encompass Burns' 60-1369, *supra*. As was noted in 1970 O. A. G. No. 3, any state agency authorized to provide *additional* insurance coverage may do so, but an appropriation for such additional insurance has not been provided for by Acts of 1969, Ch. 397.

If the State Police Department does not wish to avail itself of the group insurance provided for by the state, then the employees must pay for any other group policy until the Legislature makes a specific appropriation for such separate policy.

Since the answer to question one is negative, it is therefore unnecessary to answer question two.

CONCLUSION

It is therefore my opinion that the Indiana State Police Department employees come within the same single group insurance plan for *all* state employees, and that the Appropriation Act (Acts of 1969, Ch. 397) allocated funds for only that insurance plan, and not any other additional plan for the State Police or separately for any other department. All are treated alike.