OPINION 50

OFFICIAL OPINION NO. 50

October 18, 1965

Hon. Frederick T. Bauer
City Attorney
Terre Haute, Indiana

Dear Mr. Bauer:

I am in receipt of your letter in which you inquired as to whether a city could provide health and accident insurance coverage for the dependents of that city's policemen and firemen.

Your request, more specifically, was:

"I would appreciate your opinion as to whether:

1. A municipality may purchase and pay for Health and Accident Insurance to cover the dependents of police and firemen, when there is only a requirement that the police and firemen contribute 10% of the total cost of the insurance, with the municipality to pay the balance of said cost. There is nothing in the Ordinance to indicate whether the 10% contributed on the part of the city employees is to cover the cost of their insurance or the cost of their dependents' insurance.

2. I would appreciate your further opinion as to whether or not a municipality may, pursuant to Ordinance, pay the total cost of Health and Accident Insurance for police and firemen and their dependents."

Since the form of insurance with which you are concerned is that known as "group insurance" your questions must be answered in terms of Acts of 1957, ch. 296, as amended by Acts of 1959, ch. 377, and Acts of 1961, ch. 98, the same being Burns IND. STAT. ANN., (1964 Supp.), §§ 49-4001—49-4005, which provides for the purchase by municipalities of group insurance for their employees.

1. Section 2 of the Acts of 1957, ch. 296, as amended, reads:

"A public employer shall have the right and power to contract for group insurance in relation to its em-
ployees and, in the case of life insurance, it shall, and in the case of other kinds of insurance, it may, appropriate and pay a part of the cost of such insurance out of its funds available for the payment of salaries and wages of employees, and any such insurance contract shall not be canceled by said public employer during the policy term of such contract.” (Emphasis added.)

Your attention is directed to the word “employees.” This statute does not authorize a municipality to purchase insurance coverage for dependents of firemen and policemen.

This same section authorizes a public employer to pay part of the cost of such insurance out of its funds available for the payment of salaries and wages. Therefore, in answer to your question as to whether a municipality may pay the total cost of health and accident insurance, only a part of that cost may be legally paid by the municipality.

This section does not preclude an employee from paying the difference between the cost of group insurance covering himself only and the cost of group insurance covering his family.

OFFICIAL OPINION NO. 51
October 19, 1965

Mr. Hober P. Butler
Commissioner of Labor
1013 State Office Building
Indianapolis, Indiana 46204

Dear Mr. Butler:

This is in answer to your request for an Official Opinion on the following question:

“I would like to request an official opinion as to whether the Commissioner of Labor has the statutory authority to make inspections and recommendations for the purpose of preventing accidents in the strip mining