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THE PURCHASING OF ASSESSMENT MUTUAL FIRE INSURANCE BY LOCAL BOARD OF EDUCATION ON ITS IMPROVEMENTS AND AUTHORIZED ISSUANCE OF SAME—§3939.01, R.C., OAG No. 1214—1952, Page 187-190.

SYLLABUS:

A local board of education may purchase assessment mutual fire insurance on its improvements and, under Section 3939.01, Revised Code, a mutual insurance association is authorized to issue such insurance.

Columbus, Ohio, June 20, 1960

Hon. Warren F. Sheets, Prosecuting Attorney
Gallia, County, Gallipolis, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“I would appreciate your opinion on the following set of facts: May a local board of education purchase assessment mutual fire insurance on their improvements, such as issued by the Lightning Rod Mutual and the Grange Mutual Insurance Company.”

Your attention is directed to Opinion No. 1214, Opinions of the Attorney General for 1952, page 187, the first paragraph of the syllabus reading as follows :

“A statute which confers express authority on a public officer, public corporation, or public organization to construct, maintain, and operate a public building, by implication confers also on such officer, corporation or organization the authority to protect such public property by the expenditure of public funds to defray the cost of fire and windstorm insurance coverage thereon.”

The following statement appears on page 190 of Opinion No. 1214, *supra*:

“There is, of course, ample statutory authority for the acquisition and construction of school buildings by boards of education, and it is my conclusion that there is an implied authorization in these statutes to protect such buildings by the expenditure of public funds to procure insurance against loss or damage by fire or windstorm.”

Section 3939.01, Revised Code, relative to assessment mutual insurance associations, provides in part as follows :

“* * * Such associations may only insure farm buildings, detached dwellings and outbuildings, *schoolhouses*, churches, township buildings, grange buildings, farm implements, farm products, livestock, household goods, furniture, pleasure and utility vehicles, motor vehicles, steam, gas, gasoline, and oil engines, motor trucks, tractors, electric motors, electric appliances, lighting systems, and other similar property except property used exclusively for commercial or industrial purposes.”

(Emphasis added)

Accordingly, it is my opinion and you are advised that a local board of education may purchase assessment mutual fire insurance on its improvements and, under Section 3939.01, Revised Code, a mutual insurance association is authorized to issue such insurance.

Respectfully,
MARK McELROY
Attorney General