

*Sheriff vs. The International Coal Co.*, supra. It is my opinion, therefore, that such sheriff is entitled to the fees for poundage, as provided by Section 2845, General Code, on the money representing the amount of the second mortgage.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2055.

INSURANCE—VILLAGE MAY PAY PREMIUMS ON GROUP INDEMNITY  
INSURANCE FOR VILLAGE'S EMPLOYEES.

SYLLABUS:

*The legislative authority of a village may, as a part of the compensation to its employes, legally authorize group indemnity insurance and pay the premium therefor from public funds.*

COLUMBUS, OHIO, May 4, 1928.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—Permit me to acknowledge receipt of your request for my opinion, as follows:

“Opinion No. 37 dated February 1, 1927, advises that premiums for group life insurance on public employes may legally be paid from public funds as a part of the compensation to be paid such employes.

QUESTION—May the premium for indemnity insurance be legally paid from public funds, such insurance to be paid to injured employes who in addition receive compensation from the state insurance fund?

We are enclosing herewith copy of a resolution adopted by a village council authorizing such payments.”

The resolution adopted by the village council is as follows:

“A RESOLUTION

AUTHORIZING CERTAIN POLICIES OF INSURANCE

WHEREAS, the services of the members of the Volunteer Fire Department of the Village are of a hazardous nature; and

WHEREAS, any compensation awarded by the State of Ohio for injuries resulting from such service will be wholly inadequate; now, therefore,

Be It Resolved by the Village of \_\_\_\_\_, State of Ohio, that

The Mayor and Clerk be, and they hereby are, authorized and directed to procure indemnity insurance for the benefit of the members of the Volunteer

Fire Department of the Village covering injuries received by such members in the course of their services as members of such department, the cost and expense of such indemnity insurance to be paid by the Village of -----."

Opinion No. 37 to which you refer was in answer to your inquiry as to whether or not the City of East Cleveland could legally pay from public funds a portion of the premium on group life insurance covering members of the Fire and Police Departments, the beneficiaries of which policies of insurance were to be the dependents of such firemen and policemen.

In that opinion your attention was called to the Home Rule provisions of the Constitution of Ohio, to-wit, Sections 3 and 7 of Article XVIII. These sections are as follows:

*Section 3:* "Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general laws."

*Section 7:* "Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of Section 3 of this Article, exercise thereunder all powers of local self-government."

My conclusion was that:

"Unless forbidden by its charter, the legislative authority of a municipal corporation may, as a part of the compensation to its employes, legally authorize group insurance on behalf of any or all of the employes of such municipality."

The same principle is applicable to the question presented by your inquiry in this instance.

It is therefore my opinion that the legislative authority of a village may, as a part of the compensation to its employes, legally authorize group indemnity insurance and pay the premium therefor from public funds.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*