STATE: State Board of Health may insure money against
INSURANCE: hazard of theft and robbery.

January 21, 1942

FILE

Dr. James Stewart
State Health Commissioner
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your request for an opinion under date of January 19, 1942, which reads as follows:

> "The State Board of Health hereby requests an opinion as to whether it has the authority to pay an insurance premium for the insurance of such cash as is collected by the Board of Health in fees from its various departments, such as Vital Statistics, Food and Drug, and Cosmetology and Hairdressing.
>
> "These fees are collected in cash or money order and transferred to the State Treasurer for deposit to their respective funds. These fees frequently amount to several thousand dollars and are transferred by messenger from the offices of the State Board of Health in the State Office Building to the State Treasurer's office in the Capitol Building, the liability for safe transfer of these funds resting with the State Board of Health."

From your request we understand that the State Board of Health has large sums of money on hand at various times belonging to the State which is derived from the collection of fees in the above department, and you desire to know whether or not you have authority to insure this money against

theft and robbery. We also understand that it is necessary for you to send this money by messenger from the offices in the State Office Building to the office of the State Treasurer in the State Capitol Building. We have heretofore held that various institutions of the State have authority to insure their property against fire and windstorm and other hazards.

In accordance with the general rule, it is usually held, under statutes giving public officials general control and management of public property, that such officials have implied power to carry insurance on the property. Clark School Twp. v. Home Ins. & T. Co., 20 Ind. App. 543, 51 N. E. 107; Walker v. Linn County, 72 Mo. 650; French v. Millville, 66 N. J. L. 392, 49 A. 465; King v. United States M. & S. Ins. Co., 150 Wash. 626, 274 Pac. 704.

We can see no difference between insuring buildings and equipment of the State against the hazards of fire and windstorm and insuring the State's money against the hazards of theft and robbery. We do know that those departments of State which are required to handle large sums of money do have those funds insured against the hazards of theft and robbery, and this has been the custom over a long period of time. We are not passing on the question of the advisability of taking out such insurance in favor of the State or the necessity for same, but will leave that question to the proper authorities of the State.

It is, therefore, our opinion that you may, in your discretion, insure the State funds mentioned in your request against theft and robbery if you deem it necessary and expedient.

Respectfully submitted

COVELL R. HEWITT
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

CRH:HR