



STATE OF KANSAS

## Office of the Attorney General

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*Curt T. Schneider*  
Attorney General

December 15, 1975

ATTORNEY GENERAL OPINION NO. 75- 457

Mr. Mickey Moorman  
Assistant County Attorney  
Labette County Courthouse  
Oswego, Kansas 67356

Re: Counties--Officers--Group Insurance

Synopsis: Under K.S.A. 19-212e, the county may not pay premiums for group hospital, surgical and/or medical expense insurance contracts for county officers and employees in an amount which for each employee exceeds the cost of a single person's premium.

\* \* \*

Dear Mr. Moorman:

K.S.A. 19-212d authorizes counties to procure group insurance contracts for its officers and employees as follows:

"The board of county commissioners of any county is authorized to procure contracts insuring its officials and employees or any class or classes thereof under a policy or policies of group life, group health, accident, accidental death and dismemberment, and hospital, surgical, and/or medical expense insurance. The dependents of any such officials and employees may be insured under group policies which provide hospital, surgical and/or medical expense insurance. The employees contributions, if any, to the premiums for such insurance issued to the

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employer as the policyholder may be deducted by the employer from the employees' salaries when authorized in writing by the respective employees so to do."

Thus, coverage for dependents of county officers and employees is authorized only under group policies providing "hospital, surgical and/or medical expense insurance."

K.S.A. 19-212e authorizes the county to levy taxes for and to pay premiums on the insurance thus procured:

"Any county of this state which procures a contract insuring its respective officials and employees or any class or classes thereof under a policy or policies of group insurance covering one or more risks or insuring their dependents under group policies which provide hospital, surgical and/or medical expense insurance may pay the premiums on such policies, or a portion thereof: *Provided*, That the amount of group life insurance on any official or employee shall not exceed ten thousand dollars (\$10,000): *Provided further*, That such board of county commissioners may levy annually, at the time of its levy of taxes, a sum sufficient for the purpose of making its payment under this act: *Provided further*, *The amount paid by any such county shall not exceed an amount for each employee equal to the cost of a single person's premium.*"  
[Emphasis supplied.]

You inquire whether the underscored proviso applies only to the county premium payment on group life insurance policies, or whether it also applies to group medical and dental insurance policies covering county officers and their employees.

This provision portrays a perplexing penchant for provisos. The initial clause of the section confers authority upon the county to pay premiums for all insurance contracts authorized to be procured by K.S.A. 19-212d, an authority which is purportedly subject to three conditions prescribed by the provisos, thus:

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- 1) that the life insurance coverage for any officer or employee under a group policy shall not exceed \$10,000;
- 2) that the commissioners may levy a tax sufficient to pay premium obligations incurred under the act; and
- 3) that the amount paid by the county shall not exceed an amount for each employee equal to the cost of a single person's premium.

The first proviso, by its express terms, applies only to life insurance. The second proviso, although not in fact a condition upon the authority to pay premiums, provides authority to levy taxes for premiums for all policies of insurance authorized under the act. The third proviso is not by its terms restricted to any single kind of policy, and operates, in my judgment to restrict the county premium payment for any insurance contract procured under the act for each of its officers and employees to the premium payment for a single person. The county is not authorized, in the first instance, to purchase group life insurance covering dependents of its officers and employees. It is authorized to purchase only "hospital, surgical and/or medical expense insurance" for dependents of county officers and employees. If the last proviso were construed only to apply to life insurance premiums, it would be superfluous and ineffectual, for the county is not authorized to pay life insurance premiums for persons other than its own officers and employees. To have any force and effect, it must be construed to prohibit payments of premiums for group hospital, surgical and/or medical expense insurance in any amount which for each employee exceeds the cost of a single person's premium.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj