

Answer by Letter (Romines)

August 17, 1970

OPINION LETTER NO. 425

Honorable Carl R. Noren, Director
Missouri Department of Conservation
2901 North Ten Mile Drive
P. O. Box 180
Jefferson City, Missouri 65101



Dear Mr. Noren:

This letter is in response to your request for an opinion of this office in which you ask:

"Your official opinion is requested touching the authority of the Conservation Commission to purchase public liability insurance coverage on its employees while they are driving motor vehicles owned by the Commission."

We consider this a request which asks whether it is within the discretion of the Conservation Commission to pay the premiums for liability insurance coverage on its employees while they are driving motor vehicles owned by the Commission to be paid as compensation to such employees.

Consistent with Article IV, Section 42, the Conservation Commission is given authority to fix the qualifications and salaries of the Director and all other employees of the Commission:

"The commission shall appoint a director of conservation who, with its approval, shall appoint the assistants and other employees deemed necessary by the commission. The commission shall fix the qualifications and salaries of the director and all ap-

Honorable Carl R. Noren, Director

pointees and employees, and none of its members shall be an appointee or employee."

As can be seen, Conservation Commission is given broad discretion in setting the qualifications and salaries of its employees. Neither the Constitution, nor the statutes, limit the form or manner in which the Commission may choose to pay its employees their compensable salaries.

By former opinion, a copy of which is attached, Opinion No. 93, Cason, 9-9-1969, this office stated that compensation was generally interpreted so as to include the purchasing of insurance for an employee, and thus we held that a school board was given authority to purchase an individual liability insurance policy on an employee to cover his negligence occurring during the normal activities of the school district. Likewise, we find that the Conservation Commission is given authority to set salaries and compensate its employees and is not prohibited in the form in which such compensation may be given, and thus it is the conclusion of this office that the Conservation Commission is given authority to purchase liability insurance coverage on its employees for that period of time in which they drive motor vehicles owned by the Commission as part of the compensation of such employee.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure:

Op. No. 93,
9-9-69, Cason