



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

April 7, 1953

Hon. Austin F. Anderson  
Criminal District Attorney  
Bexar County  
San Antonio 5, Texas

Letter Opinion No. MS-16

Dear Sir:

Your request for an opinion regarding the legality of an association of county public employees contracting for group hospitalization and medical expense insurance when the Commissioners' Court has an outstanding contract with another insurance company presents two problems:

(1) Where the Commissioners' Court has entered into a contract with one insurance company for group insurance for County employees under the provisions of Article 3.50 and 3.51 of the Insurance Code, may an association of County Public Employees, who are not covered by any contract, enter into a contract for group hospitalization and medical expenses insurance with another company under Art. 3.51?

(2) If the new group is organized, may the employer, if authorized in writing, deduct the employees' contributions to the premiums for such insurance from the latter's salary and have the County Auditors approve said deductions?

The answer to both propositions is "Yes". In Attorney General's Opinion No. V-1374, it was held that the Comptroller is authorized by statute (Art. 3.51, Insurance Code) to make payroll deductions for group health, accident, accidental death and dismemberment, hospital surgical and other medical expense insurance policies of State employees if the policies have been procured by an association of public employees. There is nothing in Article 3.51 to prohibit an association of county employees, who are not covered under the existing contract, from organizing under the provisions of that article. In connection with your second question, we refer to Attorney General's Opinion No. V-711, which held in effect that the collection and deduction of employees' contributions authorized in writing should be made by the proper

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county officer charged with the issuance of the employees' checks and that the county auditor merely approves such deductions as a matter of form.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
V. F. Taylor  
Assistant

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