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ADJUTANT GENERAL'S DEPARTMENT

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September 11, 1991

Adjutant General

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RECEIVED

Dan Morales  
Attorney General of Texas  
Supreme Court Building

SEP 16 91  
Opinion Committee

Dear General Morales:

As you will see from the enclosures, the federal government has for some years provided 100% reimbursement to this Department for the cost of insurance to protect individual officers and employees of this Department from liability for injury sustained in connection with mobile pellet rifle display vans our personnel drive around the state to support National Guard recruiting activities. The Comptroller of Public Accounts has now questioned our legal authority to make the expenditure.

I therefore ask your opinion on whether, given these circumstances, this Department can expend funds available to it to purchase liability insurance wherein the named insureds are officers and employees of this Department.

We believe it is clear in light of Attorney General Opinions [redacted] and JM-889 (1988) that we do have such authority pursuant to Article 6252-19a, Revised Civil Statutes, so long as the Department itself is not a named insured. We will await your advice in the matter.

Sincerely,

*William C. Wilson*

William C. Wilson  
Major General, Texas Army  
National Guard  
Adjutant General

Enclosures

ACCOMPANIED BY ENCLOSURES —  
FILED SEPARATELY