

COUNTY TREASURER-- Under Township Organization, two bonds required.

April 7, 1933

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Mr. Herbert M. Braden  
Prosecuting Attorney  
Livingston County  
Chillicothe, Missouri

Dear Sir:

Your inquiry for an opinion from this office has been received and contains the following:

"This time I should like to know whether or not a County Treasurer and Ex-Officio collector in counties under Township Organization is required under Sections 9266, 12133 and 9886, Missouri Revised Statutes for 1929, to give three bonds for the faithful performance of his duties, or if not, just which of these bonds he is required to give, also if the County Treasurer is permitted to charge in addition to the other fees allowed him by law, the one-half of one percent of all school money disbursed by him, as set out in Section 9266, Missouri Revised Statutes for 1929."

The County Treasurer must give a bond as such treasurer under the provisions of Section 12133, R. S. 1929. This applies to all county treasurers, regardless of what other duties they may perform in addition to the duties as treasurer.

In counties where the Township Organization plan has been adopted, the County Treasurer occupies the status of a dual officer, namely, County Treasurer and Ex-Officio Collector. Sec. 12312 R. S. 1929. A person occupying this dual capacity must give a bond covering his duties as collector. Sec. 9886 R. S. 1929.

Section 9266, R. S. Mo. 1929, does not apply to counties which have adopted the Township Organization law.

Hon. Herbert M. Braden

April 7, 1933

It is, therefore, the opinion of this office that the County Treasurer must give a bond under Section 12133, R. S. Mo. 1929, and also give an additional bond under Sections 9986 and 12312, R. S. Mo. 1929; and that the County Treasurer under Township Organization is not entitled to any compensation provided for in Section 9266, R. S. Mo. 1929.

Yours very truly,

FRANKLIN E. REAGAN  
Assistant Attorney-General.

APPROVED:

ROY MCKITTRICK  
Attorney-General

FER:mh