

PUBLIC FUNDS:

Under Section 12186, R. S. Mo. 1929, interest accruing on school funds in public depository shall be credited to school funds respectively, and not otherwise.

10-13
October 11, 1933.



Mr. E. H. Pittman,
Treasurer Clinton County,
Plattsburg, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you inquire as follows:

"In some of our Counties the monthly interest from the depositories are payable to a special fund and some instances the interest is placed to the credit of the various school funds, and I would like very much to be put right relative this matter, and for this reason, would like to ask of you a ruling on this matter.

In our County the interest amounts to about \$12.00 to \$15.00 per month and to apply this interest to the various school funds would be not right, for the reason, in our County the schools pay nothing towards the ledger for their accounts or the one-half of one per cent for handling their warrants and then there is postage for stamps to mailing the school reports to the district clerks three times a year, however, your ruling on this matter I will follow to the letter. In giving me this information, providing that you rule that the interest is to be applied to the school funds, with the above in mind, advise me if I can accept an order from our County Court to apply this interest to a special fund or say to the County Expenditure Fund, and, of course, if this is done the amount of interest wouldn't by any means take care of the expense that we are to for the schools."

Section 12186, R. S. Mo. 1929, provides as follows:

"It shall be the duty of the county court, at noon on the first day of the May term in 1915, and every two years thereafter, to publicly open said bids, and cause each bid to be entered upon the records of the court, and to select as the depositories of all the public funds of every kind and description going into the hands of the county treasurer, and also all the public funds of every kind and description going into the hands of the ex officio collector in counties under

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township organization, the deposit of which is not otherwise provided for by law, the banking corporations, associations of individual bankers whose bids respectively made for one or more of said parts of said funds shall in the aggregate constitute the largest offer for the payment of interest per annum for said funds: Provided, that the court shall have the right to reject any and all bids. The interest upon each fund shall be computed upon the daily balances with the depository, and shall be payable to the county treasurer monthly, who shall place the interest on the school funds to the credit of those funds respectively, and the interest on all other funds to the credit of the road and bridge fund. The county clerk shall, in opening the bids, return the certified checks deposited with him to the banks whose bids were rejected, and on approval of the bonds of the successful bidder or bidders return the certified check or checks respectively to the bank or banks whose bid or bids are accepted."

The foregoing statute expressly provides that interest on each fund shall be computed on daily balances, and that the interest on school funds shall be placed to the credit of the school funds, and interest on all other funds to the credit of the road and bridge fund. In view of the express direction of this statute we do not believe that you would have any authority to apply the interest received from school funds to the credit of any other fund than the school fund. In view of the injunction of the statute we do not believe that the county court would have any authority to make an order directing you as treasurer to apply the interest off of the school funds to any other funds.

It is unfortunate that the situation is such as you outline in your letter. However, it is the duty of the county court to follow the statute as written, and it is our duty to construe it according to the way it is written. Such being true, in view of the plain wording of the statute, we must rule that the interest derived from the school funds shall be credited to those funds; that an order of the county court directing you to credit them to any other funds would be in violation of the statute.

FWH:S

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.