

October 9, 1962

FILED
352

Honorable Paul L. Bell
Prosecuting Attorney
Crawford County
Steelville, Missouri

Dear Mr. Bell:

This department is in receipt of your recent request for a legal opinion reading in part as follows:

"The County Court of Crawford County has requested that I obtain an opinion as to whether or not they are legally obligated under Chapter 279.030 of Missouri Revised Statutes to continue to pay bounties, in spite of the fact that they have received a notice that the State Treasury cannot refund two-thirds of the bounties paid, because there is insufficient unencumbered balance in the appropriation covering the period from February 5, 1962 through June 25, 1962."

Initially, as you know, pursuant to Section 28, Article IV, Constitution of Missouri, 1945, as amended 1958, and Section 33.170, RSMo 1959, no warrant can be paid by the state treasurer to any county upon satisfaction of the requirements of Section 279.030, RSMo 1959, unless there is in the appropriation for such purpose an unencumbered balance sufficient to pay said bounties. Your inquiry evidences that there has been no such unencumbered balance since February 5, 1962, and that therefore the "State Treasury cannot refund two-thirds of the bounties paid" by the counties as provided for in Section 279.030, supra, until further funds are appropriated by the General Assembly for such purpose.

In answering your question as to "whether or not they (the county court) are legally obligated under Chapter 279.030 of Missouri Revised Statutes to continue to pay bounties, in spite of the" state's inability to repay the counties at present, it is our view that since the Legislature specifically stated in Sections 279.010, RSMo Supp. 1961, and 279.030, supra, that the bounties shall be paid, the county court is "legally obligated * * * to continue to pay bounties, * * *"

It would be well to note at this point that Section 279.010, supra, further provides that "* * * the county court may by unanimous vote after holding a public hearing on the matter reduce any of these bounties by such amount as it finds advisable. * * *"

In concluding, we would suggest that pursuant to Section 279.030, supra, the clerk should among other requirements continue to certify to the state comptroller the amount of bounty paid by the county so that the county could be repaid out of any further funds appropriated by the General Assembly for that purpose.

A somewhat similar question was raised and conclusion reached in an opinion of this office under date of July 27, 1955, issued to Honorable J. Marcus Kirtley, a copy of which is enclosed.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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Enclosure 1