

January 8, 1974

OPINION LETTER NO. 90
Answer by Letter - Klaffenbach

Honorable Max Patten
Prosecuting Attorney, Jasper County
Municipal Building, 303 East Third
Joplin, Missouri 64801



Dear Mr. Patten:

This letter is in response to your opinion request asking:

"Whether RSMo. Statutes, 1969, 52.360 requires the County Collector [of a second class county] to deposit all monies collected by him into interest bearing accounts until such time as he needs them for withdrawal."

The section to which you refer has been amended by House Bill No. 644 of the 77th General Assembly, which provides:

"The county collector, in all counties of the first class not having a charter form of government and in all counties of the second class, shall deposit each day in the depositories selected by the county for the deposit of county funds, all money received by him as county collector during the day previous, and make a daily report thereof to the county auditor, as provided in section 55.190, RSMo. The interest on all money deposited by the county collector shall be computed upon the daily balances of the deposits, and all of the interest shall be paid and turned over to the county treasurer at the time and in the manner that the monthly settlement and

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payment are made by the collector, and the interest shall go to the general revenue fund of the county."

Despite the fact that Section 52.360 requires that the interest shall go into the general revenue fund of the county we find no requirement that the collectors place such money in interest bearing accounts.

We conclude that the collectors are not required to place such money in interest bearing accounts.

We are enclosing Opinion No. 113 issued June 15, 1970, to James Millan, which points out that a county collector can deposit tax monies in time deposits.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 113
6-15-70, Millan