

DEPOSITORIES:)
COUNTY DEPOSITORIES:) County depositories required under Laws of
BANKS AND BANKING:) Mo., 1937, p. 502, to pledge designated assets
to secure public funds, and giving of personal
security eliminated.

June 14, 1938

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Honorable Richard C. Ashby
Prosecuting Attorney
Livingston County
Chillicothe, Missouri

Dear Sir:

This is to acknowledge receipt of your letter of June 10th, in which you request the opinion of this Department. Your letter of request is as follows:

"I would like an opinion from you concerning the right of county depositories to give personal bonds to qualify for protection of funds of the county, that is to say, under Section One and Three of the Laws of 1937, page 502, I believe the right of county depositories to give personal bonds has been eliminated."

You request our opinion as to whether or not Laws of Missouri, 1937, and found at page 502 et seq., relative to the pledging of assets for the safekeeping of public funds, supersedes the personal bond that may be given to secure public funds as provided by Section 12187, R. S. Mo. 1929, as amended by Laws of Missouri, 1935, pages 316 and 372.

By Laws of Missouri, 1937, page 502, it is provided by Section 1 thereof as follows:

"Notwithstanding any provisions of law of this State or of any political

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subdivision thereof, the public funds of every county, township, city, town village * * (and certain designated institutions of the State), which shall now or hereafter be deposited in any banking institution acting as a legal depository of such funds under the provisions of the statutes of Missouri requiring the letting and deposit of the same and the furnishing of security therefore, shall be secured by the said legal depository making deposit, as hereinafter provided, of securities of the same character as are required by Section 11469 and all amendments thereto for the security of funds deposited by the State Treasurer under the provisions of Article 1 and 2 of Chapter 72 of the Revised Statutes of Missouri, 1929, and all amendments thereto."

Said section further provides that the securities shall at the option of the depository banking institution be delivered either to the fiscal officer or the governing body of the municipal corporation or other depository of said funds, or by depositing such securities with such disinterested banking institution or safe depository as trustee, as may be satisfactory to both parties to the depository agreement. The section further provides that the rights and duties of the several parties to the depository contract shall be the same as those of the State and the depository banking institution respectively, under Section 11469, supra, and amendments thereto.

It is, therefore, our opinion that since the effective date of this Act, namely, September 6, 1937, the county court of your county shall require the selected depository or depositories in the manner provided by Laws of Missouri, 1937, page 502, to pledge the designated securities mentioned in Section 11469 as amended by Laws

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of Missouri, 1937, at page 521, to safeguard and protect the public funds deposited in said depositories. It is our opinion that it is no longer permissible for the county court to accept and the designated depositories to give the personal security as provided by Section 12187, supra.

Very truly yours

COVELL R. HEWITT
Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

CRH:EG