

COUNTY FUNDS: Disposition of balances in County funds.

March 30, 1942

2176
Hon. Marion Robertson
Prosecuting Attorney
Saline County
Marshall, Missouri



Dear Sir:

This is in reply to your letter of recent date wherein you request an opinion from this Department on the following statement of facts:

"The County Court of Saline County has requested me to write you with reference to the disposition of a fund remaining from the Glasgow Bridge bonded indebtedness.

"At the time that bridge was built, the County issued bonds for the payment of it. Later, the State Highway Commission took over the bridge and reimbursed the County in full for the amount of the bonded indebtedness. However, before the Highway Commission took over the bridge, the County had retired some of their bonds, but the remaining bonds were not due until 1942. Now, all the bonds are paid off and the entire project is closed as far as the County is concerned. Inasmuch as they have on hand a surplus of \$3,467.47, it is the desire of the Court of this county, to turn over this money to the road fund, and they would like to know if they can do this."

In searching through the statutes for some law pertaining to this subject, we find that section 13829 R. S. Mo., 1939, covers the subject of your inquiry. This section is as follows:

March 30, 1942

"Whenever there is a balance in any county treasury in this state to the credit of any special fund, which is no longer needed for the purpose for which it was raised, the county court may, by order of record, direct that said balance be transferred to the credit of the general revenue fund of the county, or to such other fund as may, in their judgment, be in need of such balance."

You will note from this section that it seems to be discretionary for the county court to determine which fund is to transfer a balance which is no longer needed in the fund for the purpose for which it was raised.

CONCLUSION.

Therefore, it is the opinion of this Department that the county court may turn over any balance it may have in the bridge fund to the road fund or to any other fund to which it may deem it necessary to transfer such moneys.

Respectfully submitted

TYRE W. BURTON
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

TWB:AW