

Opinion No. 25-3802

February 25, 1925

BY: JOHN W. ARMSTRONG, Attorney General

TO: Requested by: Hon. Warren R. Graham, State Treasurer, February 19, 1925.

Counties Are not Authorized to Make State Treasurer Depository for County Money.

OPINION

I will answer your questions in the order asked.

Q. Are county treasurers authorized by law to send their surplus funds to the State Treasurer for safe keeping?

A. There is no provision of law authorizing such a procedure.

Q. If so, who is responsible for these funds, the county treasurers, the State Treasurer or the county boards of finance that order these remittances. (No bonds being given by the State Treasurer.)

A. In the first place, the county officers are responsible for any loss or miscarriage of the funds. In the second place, if the State Treasurer accepts the money as a gratuitous depository, he is responsible only for gross negligence. It can hardly be said that the State Treasurer's bond would be liable under such circumstances, -- but the Treasurer only personally liable.

Q. What is the status of money sent in by the county treasurers in advance of their distribution sheets but which really belongs to the State?

A. If the money belongs to the State, it is State money regardless of any distribution.