

Deputy Assessors, Bonds of. Bonds, of Deputy Assessors.

As a general rule bonds are not required of deputy assessors. There is a general law relating to the furnishing of bonds by deputies. If such bond is required by the assessor it should be in the form of an official bond, the amount of which may be fixed by the assessor, and should be made payable to the State of Montana. If the bond is a surety bond the charge therefor would be a proper charge against the county.

June 20th, 1913.

Hon. G. M. Houtz,
State Tax Commissioner,
Helena, Montana.

Dear Sir:

I have your letter of the 19th instant, stating that:

"Mr. James Fox, county assessor of Valley County, in a recent letter asked me to take the matter up with the attorney general's office and secure an opinion regarding bonds for deputy assessors, especially as to whether the indemnity should be payable to the state or county, or to the assessor individually, also as to who should pay the premium on these bonds."

You are advised that as a general rule bonds are not required of deputies. However, Sec. 416 of the Revised Codes of Montana, 1907, is a general provision of law relative to the furnishing of bonds by deputies. It provides:

"Every officer or body appointing a deputy, clerk or subordinate officer, may require an official bond, to be given by the person appointed and may fix the amount thereof."

You will observe that if a bond be required, it shall be an official bond, and Sec. 388 (Idem) provides:

"All official bonds must be in form joint and several, and made payable to the State of Montana in such penalty and with such conditions as required by this chapter or the law creating or regulating the duties of the office."

In regard to deputy assessors, there is no direct provision of law to the effect that they must be bonded. However, under the general provisions of the section referred to, the county assessor may require official bonds from his deputies, and may fix the amount thereof, and if this be done such bonds should be made payable to the State of Montana. In any case, where an official bond is required, the person furnishing the same may furnish either a surety company bond or a good and sufficient individual bond executed and approved as required by law, and if a surety bond be furnished by deputies upon demand of their principal, it has been held (Opinions of Attorney General, 1910-12, page 76) that the premium charged by the surety company would be a proper charge against the county.

Yours very truly,

D. M. KELLY,
Attorney General.