

**Bonds — Payment — Fiscal Agent — Counties — County
Treasurer.**

If there is no fiscal agency in the city wherein bonds or coupons are made payable the county treasurer should advise the state auditor so that such an agency may be designated by the governor.

Mr. R. N. Hawkins.
Assistant State Examiner,
Helena, Montana.

January 11, 1932.

My dear Mr. Hawkins:

You have requested my opinion on the following questions:

“Relating to payment of bonds and coupons by county treasurers where made payable at certain eastern banks, and such

banks are not designated as fiscal agencies as may be by chapter 92, session laws 1925, can the county treasurers remit funds to the banks where the bonds and coupons are made payable, but are not designated as fiscal agencies?

"We would also like to be advised where bonds and coupons are made payable at the county treasurer's office can they be paid at the county treasurer's office notwithstanding the budget act?"

In answer to your first question, will say that I fail to see why it should be necessary for the bonds or coupons to be presented for payment to any bank not a fiscal agent. Section 5 of chapter 92, laws of 1925, was enacted for the very purpose of taking care of this situation and provides as follows:

"It shall be the duty of the Treasurer of the State of Montana, or any county, city, town, school district, irrigation district, or drainage district of Montana, which has issued bonds, to advise the State Auditor forthwith, giving the name and location of all banks or trust companies at which said bonds or interest coupons are made payable, whereupon the State Auditor shall so advise the Governor in order that the necessary fiscal agency may be designated.

"It shall be the duty of the State Auditor, immediately after the establishment of any fiscal agency provided for in this Act, to publish a notice in some newspaper of general circulation in any city where such bonds are made payable, for two weeks, and thereafter all bonds and coupons of the State of Montana, or any county, city, town, school district, irrigation district or drainage district of Montana, which are by their terms payable at a certain bank in said city, shall be paid at said fiscal agency."

If the county treasurer performs his duty as above required there will be a fiscal agency in the city where the bonds are made payable and this law specifically provides that the bonds which are by their terms payable at a certain bank in said city shall be paid at the said fiscal agency.

It is therefore my opinion that if there is no fiscal agency in the city wherein the bonds or coupons are made payable that the county treasurer should comply with this law in order that such an agency may be designated by the governor.

In answer to your second question, will say that the payment of bonds and coupons made payable at the county treasurer's office is not controlled by the budget act.

Very truly yours,

L. A. FOOT,
Attorney General.