

March 31, 1933

Hon. James S. Minotto,
Chairman, State Legislative
Investigating Comm ttee,
Capitol Building,
Phoenix, Arizona.

Dear Sir:

Pursuant to your oral request for the written opinion of the Attorney General as to the authority of public officers, County and State, to cash warrants, including salary warrants, from funds in their possession, please be advised as follows:

I am of the opinion that no county or state officer, receiving fees, etc., may cash or pay from such fees any warrant issued by the county or state, including salary warrants. All public officers authorized to receive current money for fees, etc., must account in kind. (See 22 R. C. L. Public Officers, Section 134, Page 466; Thompson vs. Sioux Falls National Bank 150 U. S. 231). Public officers receiving current money for fees, etc., may not convert that money into checks, notes, drafts, bonds or public warrants, and account in such.

County treasurers are the only county officers authorized to pay county warrants, including salary warrants. Article 7, Chapter 16, R. C. A. 1928, relates to the powers and duties of county treasurers. Section 865, et seq. prescribes the method of presentation and payment of county warrants.

Article 4, Chapter 2, R. C. A. 1928, relates to the powers and duties of the state treasurer, Section 43, et seq. prescribes the method for the presentation and payment of state warrants.

County and state warrants not paid when presented for lack of funds are registered and later paid in the manner provided for in the provisions referred to.

Very respectfully submitted,

Attorney General.

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