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COUNTY COURTS: JUDGE—BOND, PREMIUM—§1907.061 R.C.
—SUCH PREMIUM PROPERLY PAYABLE FROM COUNTY
FUNDS—§3929.17 R.C.

SYLLABUS:

The premiums on bonds of county court judges as provided in Section 1907.061, Revised Code, are properly payable from the county funds as provided in Section 3929.17, Revised Code.

Columbus, Ohio, January 15, 1958

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir:

I have your request for my opinion which presents the following question with regard to the newly instituted system of county courts:

“From what public fund or funds is the premium on the bond of the county court judges as provided in Section 1907.061, Revised Code of Ohio, properly allowable?”

I invite your attention to Section 3929.17, Revised Code:

“The premium of any licensed surety company *on the bond of any public officer*, deputy, or employee shall be allowed and paid by the state, county, township, municipal corporation, or other subdivision, or board of education, of which such person giving the bond is such officer, deputy or employee.” (Emphasis added)

From an examination of the office of judge of a county court it is evident that such an office constitutes the holder a public officer.

In invite your attention to the first paragraph of the syllabus in the case of *State, ex rel. Milburn et al. vs. Pethtel, Aud.*, 153 Ohio St., 1:

“A public officer, as distinguished from an employee, is one who is invested by law with a portion of the sovereignty of the state and who is authorized to exercise functions either of an executive, legislative or judicial character.

See also 32 Ohio Jurisprudence, page 853.

The premium on the bond is properly payable, from the county treasury for two reasons. First, Section 1907.11, Revised Code, “created in each county of the state, * * * a court to be known as the county court * * *”. Second, a county court district is not included within the provision, “or other subdivision” as provided in Section 3929.17, *supra*.

It is my opinion and you are accordingly advised that the premiums on bonds of county court judges as provided in Section 1907.061, Revised Code, are properly payable from the county funds as provided in Section 3929.17, Revised Code.

Respectfully,

WILLIAM SAXBE

Attorney General