

township, municipality or other subdivision or board of education of which such person giving such bond is such officer, deputy or employe.

Although prior to the legislation of the last General Assembly above referred to, it was a common practice for many county officers to give bond signed by some duly authorized surety or bonding company under the authority of Section 9573, General Code, no provisions were made for the payment by the county of the premiums on such bonds other than those on such bonds given by county treasurers, which were required to be paid by the county commissioners out of the general county fund.

The question here presented for my opinion is whether the statutory provisions above noted, requiring the county commissioners to pay out of the general county fund the premiums on surety company bonds given by any or all of the above named county officers, are applicable to such bonds given by county officers elected at the November, 1926, election. I know of no provision or principle of law which limits the application of said statutory provisions to bonds given by county officers elected after said provisions became effective. Clearly a person elected to any of said county offices at the November, 1926, election, who qualified and entered upon his office after said statutory provisions became effective, could give a surety company bond and have the premiums therefor paid by the county commissioners out of the general county fund. Moreover, inasmuch as said statutory provisions requiring the premiums on a surety bond given by a county officer to be paid out of the county treasury is not a matter which affects the salary of such officer, I know of no reason why said statutory provisions could not apply to the premiums on a surety company bond given by a county officer after said statutory provisions became effective, even though he had previously given bond and entered upon the discharge of the duties of his office. This question was the subject of consideration in Opinion No. 761 of this department, addressed to Hon. John W. Loree, Prosecuting Attorney, Celina, Ohio, under date of July 21, 1927. The specific question to which said former opinion of this department was addressed was whether or not, under House Bills Nos. 40 and 333, above referred to, the bond of a surety company could be given for the unexpired term of an officer as a substitute for a personal bond theretofore filed by such officer and approved; and whether the premium on such substituted surety company bond was required to be paid by the political subdivision. Responsive to this question it was held that there was no statute which prevents any officer from executing a new bond and releasing the sureties of the old bond from further liability after the time of such a release and the execution of a new bond, provided the new bond be approved by the officer or officers who under the law must approve such bond; and that the premium on a surety company bond so substituted was required to be paid by the political subdivision taking such bond.

By way of specific answer to your question, therefore, I am of the opinion that the provisions of Section 9573-1, General Code, as well as those of House Bill No. 40, above noted, apply to premiums on surety bonds given by county officers after said provisions became effective, although said officers were elected prior to the enactment and effective date of said statutory provisions.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

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1600.

APPROVAL, BONDS OF VALLEY RURAL SCHOOL DISTRICT, SCIOTO COUNTY, OHIO—\$110,000.00.

COLUMBUS, OHIO, January 19, 1928.

*Retirement Board, State Teachers' Retirement System, Columbus, Ohio.*