

Opinion No. 47-5059

August 4, 1947

BY: C. C. McCULLOH, Attorney General

TO: C. R. Sebastian State Comptroller Santa Fe, New Mexico

{*74} In your letter dated July 31, 1947, you state that for the past several years the Treasurer of Bernalillo County has been furnishing a surety bond in the sum of \$ 100,000.00, and you inquire whether this bond should be cancelled and one for \$ 50,000.00 only be required.

Section 7-233 of the 1941 Compilation provides for the amount of bond of the State Treasurer and then further provides as follows:

"and the official bonds to be given by county treasurers shall be not less than the following amounts: Counties of the first class, fifty thousand dollars (\$ 50,000.00),"

In view of the fact that the law specifies that the bond in a county of the first class shall be not less than the \$ 50,000.00, the board of county commissioners can require a larger bond, and no doubt it was felt expedient to do so in {*75} Bernalillo County which has a valuation greatly in excess of the minimum required for a first class county. For this reason, I do not believe that the present bond should be cancelled unless the board of county commissioners so desires.