

SHERIFFS: Sheriffs may purchase supplies for County Jail without obtaining a requisition from the County Court, but it is necessary each order be certified by the Accounting Officer.

September 9, 1936.

Mr. Phil. G. Deuser, Sheriff
Saint Louis County
Clayton, Missouri



Dear Sir:

This will acknowledge receipt of your letter requesting an official opinion under date of August 31, 1936, which reads as follows:

"I desire to ascertain whether I may purchase my own office supplies and supplies and materials for the County Jail and legally have such purchases allowed by the County Court, or whether I must make requisition for such supplies and materials to the County Court through the regular channels set up by virtue of sections 9 to 21, both inclusive of the Budget Law.

"Your opinion on this matter will be sincerely appreciated."

We are enclosing a copy of an opinion rendered by this office to Mr. A. R. Gibson, Sheriff, Putnam County, under date of February 17, 1936, holding that "the Sheriff has the authority to purchase the necessary supplies for the County Jail and he needs no authorization or order from the County Court so to do."

Supplementing this opinion, we refer you to the following section of the Budget Law. Section 19, Laws of Missouri, 1933, p. 350, provides in part:

"* * * *Contracts which provide that the person contracting with the county shall during the terms of the contract, furnish to the county at the price therein specified the supplies,

materials, equipment, or services other than personal therein described, in such quantities as may be required, and from time to time as ordered by the officer in charge of purchasing during the term of the contract, need not bear the certification of the accounting officer as herein provided; but all orders for such supplies, materials, equipment, or services other than personal shall bear such certification. * * * *."

Section 20, Laws of Missouri, 1933, p. 351, provides in part:

"* * * *Any officer purchasing any supplies, materials or equipment shall be liable personally and on his bond for the amount of any obligation he may incur against the county without first securing the proper certificate from the accounting officer. * * * *."

Section 21, Laws of Missouri, 1933, p. 351, provides in part:

"* * * *Wherever the term 'accounting officer' shall appear, it shall be deemed to mean the county clerk, auditor, accountant, or other officer or employe keeping the principal financial records of the county."

Section 11, Laws of Missouri, 1933, p. 347, provides in part:

"On or before October 1 of each year, each department, office, institution, commission, or court of the county receiving its revenues in whole or in part from the county shall prepare and submit to the budget officer estimates of its

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requirements for expenditures and its estimated revenues for the next budget year compared with the corresponding figures for the last completed fiscal year and estimated figures for the current fiscal year.* * * *."

Therefore, from the foregoing, it is the opinion of this department that such purchases made by you, as sheriff, should come within your estimate filed with the County Court as provided in Section 11, of the Budget Act. Furthermore, it is not necessary that you obtain a requisition from the County Court for the purchase of supplies. But it is necessary to have each order certified by the Accounting Officer as contained in Section 20 quoted supra.

Yours very truly

OLIVER W. NOLAN
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General.

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