

COUNTY BUDGET ACT: In counties of less than 50,900 inhabitants not necessary for officer to call for bids, by advertising or otherwise, for purchase of supplies.

January 22, 1938



Honorable John B. Smoot  
Prosecuting Attorney  
Scotland County  
Memphis, Missouri

Dear Sir:

This Department is in receipt of your letter of January 19th, requesting an opinion relative to the County Budget Act as passed by the General Assembly in 1933. Your question is as follows:

"Does Section 19 require that every purchase of supplies made by a county officer be advertised in a newspaper or notice posted on a bulletin board in the Court House before the County Court is authorized to pay the obligation so created by the purchase? If an officer of the county submits his budget for the fiscal year and sets forth therein various items that will be needed in his office during said year and the budget is approved by the County Court and State Auditor, is it necessary thereafter for said officer to call for bids by advertising in a newspaper or posting of notice on a bulletin board in the court house in purchasing the various items contained in his budget before the County is obligated to pay for said purchases."

The County Budget Act, page 340, Laws of 1933, contains twenty-two sections. In reality it is an act governing

the financial structure, revenue and expenditures of the counties according to population, which will be noted by Section 9, page 346, as follows:

"In all counties in this state, now or hereafter having a population of more than 50,000 inhabitants, according to the last federal decennial census, the presiding judge of the county court shall be the budget officer of such county, or the county court in any such county may designate the county clerk as budget officer. The budget officer shall receive no extra compensation for his duties under this Act, and Sections 9 to 20 inclusive of this Act shall apply to such Counties.

Knowing the County of Scotland to be less than 50,000 inhabitants, the first eight sections and Sections 21 and 22 of the Budget Act govern your County exclusively. Section 19, relating to contracts, pertains to counties of more than 50,000 inhabitants.

There is no provision in the first eight sections which compels an officer of the county to request bids by advertising in newspaper or otherwise for the purchase of various items contained in the budget. Section 3, page 342, of the Act, contains the provisions relative to the duties of the officers to furnish the Clerk of the County Court the estimated amount required for the payment of salary or expense of every nature during the current year, and it contains no provision for requiring bids for supplies during the current year.

Respectfully submitted,

OLLIVER W. NOLEN  
Assistant Attorney-General

APPROVED:

---

J. E. TAYLOR  
(Acting) Attorney-General

OWN:EG