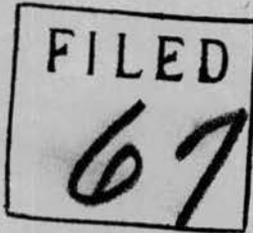


COUNTY BUDGET: County court cannot pay salaries of
deputy sheriffs out of class two funds
DEPUTY SHERIFFS: of county budget.

October 16, 1951



10-16-51

Honorable Jeremiah Nixon
Assistant Prosecuting Attorney
Jefferson County
Hillsboro, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"The Honorable Judge Edward T. Eversole, Judge of the 21st Judicial Circuit, has authorized the hiring of two additional deputy sheriffs for Jefferson County, Missouri. These deputy sheriffs are to work full time. He has also authorized an increase in salary of \$50.00 per month for the three present full time deputy sheriffs. Jefferson County is a county of the third class with approximately 38,500 population. Of course, there was no provision made for these two new men in the budget submitted by the Sheriff to the County Court and approved in January of this year by the County Court. The County Court allocated roughly \$6400.00 at the first of the year in the class two funds for specially called elections. The question has been raised as to whether the County Court would have any authority to pay these new deputies out of this money that is in the election account. If they do have this authority, and if they do use the money out of this fund

Honorable Jeremiah Nixon

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and it became necessary to hold a special election, would the County Court be authorized to issue Warrants redeemable next January, to finance the election?"

Jefferson County is a county of the third class and is governed by the provisions of Sections 50.670 and 50.740, RSMo 1949, insofar as the county budget is concerned.

Section 50.710, RSMo 1949, provides in part as follows:

"The court shall show the estimated expenditures for the year by classes as follows:

* * * * *

"Class 2. Expense of conducting circuit court and elections, not to include the salary of any officer or employee on a yearly salary nor deputy or assistant of any kind whatever though on irregular time, such shall be estimated for under class four. Class two shall include pay of jurors, witnesses if properly paid by the county, and other incidental court costs, pay of judges and clerks of elections and all other expense of elections chargeable against the county. This estimate shall not be less than last preceding even year in even years and last preceding odd year in odd numbered years."

Since the moneys in class two are to be used only for the purposes set out in the quoted portion of Section 50.710, it is clear that during the budget year money so budgeted cannot be used to pay for the salaries of deputy sheriffs.

CONCLUSION

It is the opinion of this department that the salaries of deputy sheriffs in a county of the third class cannot

Honorable Jeremiah Nixon

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be paid from the moneys budgeted in class two of the county budget.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

CBB:lrt