

COUNTY PURCHASES: No statute requiring county court to advertise for bids in purchase of supplies.

February 7, 1945.



2/8

Honorable Davis Benning
Acting Prosecuting Attorney
Pike County
Louisiana, Missouri

Dear Mr. Benning:

Under date of January 30, 1945, you wrote this office requesting an opinion as follows:

"Sections 13924, 13925, 13926 and 13927 being a part of Article 13 of Chapter 100 of the Revised Statutes of Missouri 1939, relate to the matter of the purchase of supplies by the County Court of certain counties, and the penalty for failure to comply with the terms of said sections. Pike County, Missouri, is a county containing a population of between 17,00 and 18,000, and I would appreciate an opinion from your office as to whether the terms of the above numbered sections are applicable to Pike County, Missouri.

"If in the opinion of your office, the above sections are not applicable to Pike County, are there any provisions in the statutes relating to the purchase of supplies by the County Court whereby it is provided that said supplies shall be purchased only after advertisement for, and the receipt of bids, that would be applicable to Pike County?"

The sections of the statute referred to in your letter were enacted in 1931. They are a portion of House Bill 514, approved April 16, 1931, and shown in Laws of Missouri, 1931, page 292 et seq. The title to the act is as follows:

"AN ACT to provide that the county court of counties now or hereafter having a population of not less than ninety-five thousand inhabitants, and not more than one hundred and fifty thousand inhabitants, as shown by the last preceding decennial national census, may, under such conditions and upon the terms prescribed in this act, issue negotiable notes payable in not more than one year to be paid out of current revenue of the year, providing for a board of estimates to estimate the revenue, and prescribing the duties of the board, providing for the sale of the promissory notes and the registry thereof, and providing that the county court shall provide for the purchase of all supplies, including all printing, and providing that any purchase of supplies or having any printing or advertising done otherwise than as provided in this act, shall be unlawful, and providing a penalty for the violation of the act, with an emergency clause."

By the title and the provisions of the act it applies only to counties having the population mentioned in both the act and the title. Inasmuch as Pike County does not come within this classification these sections of the statute should not be applicable to a county having the population of Pike County.

There are no other general statutes which require the county court to advertise for bids when purchasing supplies.

Respectfully submitted,

W. O. JACKSON
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

WOJ:EG