



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

June 18, 1985

OPINION NO. 85-142

Honorable James L. Shaver, Jr.
State Representative
210 Merriman Avenue
P. O. Box 592
Wynne, Arkansas 72396

Dear Representative Shaver:

You have requested an opinion from our office on the following question:

Does the sheriff have the authority to expend moneys in the Radio Equipment Repair and Replacement Fund for the purposes prescribed in the Act when he determines repair or replacement of existing radio equipment is needed or when he determines that there is a need for the purchase of additional equipment or is it necessary for the sheriff to obtain the approval or appropriation of the quorum court or the approval of another person or body to expend such moneys?

Act 851 of 1985, amending Ark. Stat. Ann. §12-1722 (Supp. 1983) and providing, inter alia, that 25% of all fees collected by the sheriff shall be used by the sheriff to establish a Radio Equipment Repair and Replacement Fund, does not change the provisions for the appropriation and payment of county funds. Ark. Stat. Ann. §17-416 (1980) provides, inter alia, that "[n]o county court or agent of any county shall hereafter make any contract on behalf of the county unless an appropriation has been previously made therefor" Ark. Stat. Ann. §17-701 (1980) provides that "[n]o moneys appropriated by the Quorum Court from a tax levied or from any other source shall be paid out of the county treasury, except on an order duly made by the County Court, while in session, and entered upon the records of its proceedings."

Accordingly, the sheriff has the authority to expend the proceeds from the Radio Equipment Repair and Replacement Fund only upon specific appropriation by the Quorum Court and order by the County Court.

The foregoing opinion, which I hereby approve, was prepared by Chief Deputy Attorney General Rodney Parham.

Yours truly,


STEVE CLARK
Attorney General

SC:RP:lm