



September 5, 1969

OPINION LETTER NO. 363

Mrs. Olean Barton, Secretary
State Board of Registration for
Architects and Professional Engineers
P. O. Box 899
Jefferson City, Missouri 65101

Dear Mrs. Barton:

This is in response to your request for an opinion from this office asking whether an employee of the federal government may make a land survey in Missouri for his employer without being licensed as a land surveyor by the Missouri State Board of Registration for Architects and Professional Engineers.

Section 344.020, RSMo provides that:

"It shall be unlawful for any person to practice, or offer to practice, or to in any manner advertise or indicate to the public that he is engaged in, or will engage in the practice of land surveying in this state, without first registering with the state board of registration for architects and professional engineers, as a land surveyor."

A rule of statutory construction states:

"The government, whether federal or state, and its agencies are not ordinarily to be considered as within the purview of a statute, however general and comprehensive

Mrs. Olean Barton, Secretary

the language of the act may be, unless intention to include them is clearly manifest, as where they are expressly named therein, or included by necessary implication." 82 C.J.S. Section 317.

Essentially the same view as the above cited canon was adopted by the Missouri Supreme Court in the case of Hayes v. City of Kansas City, 241 S.W.2d 889, 892.

Prior opinions of this office, relying on the Supreme Court's holding in Hayes v. Kansas City, declined to apply Section 344.020 to county surveyors because they were not expressly included in the language of the act and, therefore, entitled to a presumption of exemption.

Based on the above authorities, it is our opinion that an employee of the federal government may make a land survey in Missouri for his employer without being licensed as a land surveyor by the Missouri State Board of Registration for Architects and Professional Engineers.

Very truly yours,

JOHN C. DANFORTH
Attorney General