

ASSISTANT COUNTY HIGHWAY ENGINEER: Should be paid out of
Class 4 of the county
budget.

August 26, 1937

9-26



Honorable Tom Phelps
Presiding Judge, County Court
Jasper County
Joplin, Missouri

Dear Sir:

This will acknowledge your request for an opinion,
which reads as follows:

"Will you please give us an opinion
in regard to what fund the assistant
county highway engineer should be paid
out of?"

Under provisions of Section 8011, R. S. Mo. 1929, the
county court has the authority to appoint the county sur-
veyor to the office of county highway engineer which, we
are informed, your court has done. Said section also author-
izes the county highway engineer, when he is unable to pro-
perly perform all the duties of his office, to appoint one
or more assistants, with the approval of the court, who
shall receive such compensation as may be fixed by the court.
We are informed that an assistant has been appointed whose
compensation has been fixed by the court. The question to
be determined is out of what fund the assistant so appointed
is to be paid.

There is no question but what such assistant highway
engineer is a county officer and that his services should be
paid by the county court out of the general revenue of the
county.

Section 2 of the County Budget Law, Laws of Missouri
1933, page 341, provides in part in regard to the classifi-
cation of expenditures:

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"Class 4: The county court shall next set aside the amount to pay the salaries of all county officers where the same is by law made payable out of the ordinary revenue of the county * * * * "

Section 5 of said Act also provides:

"Class 4: Pay or salaries of officers and office expense * * * * * "

It is therefore the opinion of this department that the assistant county highway engineer's salary should be paid out of the ordinary revenue of a county under Class 4 of the county budget.

Very truly yours,

J. E. TAYLOR
Acting Attorney General

JET:RT