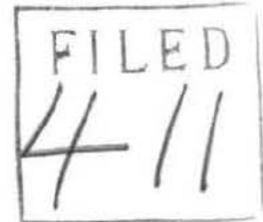


December 11, 1964



Honorable Brunson Hollingsworth  
Prosecuting Attorney  
Jefferson County  
Courthouse  
Hillsboro, Missouri 63050

Dear Mr. Hollingsworth:

This is in answer to your Opinion Request No. 411 dated December 3, 1964, in which you ask whether our Opinion No. 79 dated November 10, 1964, to Ralph B. Nevins, is applicable to second class counties.

We call your attention to Section 50.550, Revised Statutes of Missouri 1959, concerning the annual budget of class one and class two counties, which contains the following language:

"The annual budget shall present a complete financial plan for the ensuing year. It shall set forth all proposed expenditures \* \* \* for the repair and upkeep of bridges other than on state highways and not in any special road district \* \* \*."

This language only refers to bridges and does not mention roads and highways. The prohibition, therefore, against spending gasoline tax money in first and second class counties in special road districts applies only to bridges and does not apply to roads and highways in special road districts in first and second class counties.

Very truly yours,

THOMAS F. EAGLETON  
Attorney General