

October 12, 1971

Answer by letter-Gardner

OPINION LETTER NO. 161



Honorable Robert S. Drake, Jr.
Prosecuting Attorney
Benton County Courthouse
Warsaw, Missouri 65355

Dear Mr. Drake:

This is in response to your request for an official opinion on the question whether under Section 49.110, RSMo 1969, one county judge in a third class county shall receive mileage for travel in his personal automobile for the purpose of inspecting county roads when the trip is made without the knowledge of the other two judges or an order of the county court authorizing the travel as necessary.

We are enclosing a copy of our Opinion No. 350 and 351, issued September 30, 1969, to the Honorable Haskell Holman holding that a county court may in its discretion reimburse county officers for travel expenses necessarily and indispensably incurred in the performance of the duties of their office. It appears, therefore, that the county judge to which you refer in your opinion request may be paid mileage for inspecting county roads if the county court finds that his travel expenses were necessarily and indispensably incurred in the performance of his duties.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 350 & 351
9-30-69, Holman