

ROADS AND BRIDGES:

County Court, under Section 7900, required to pay all of repairs where the repairs exceed \$50.00 for one time.

7900 R. S. No. 1929

June 3, 1933. 6-14

FILED

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Mr. William A. Dollarhide,  
Prosecuting Attorney,  
Hermitage, Missouri.

Dear Sir:

We are acknowledging receipt of your inquiry of June 3, 1933, as follows:

"Please let me have your opinion as to the meaning of Section 7900 Revised Statutes of Missouri, 1929, in the following respect:

When a bridge is attached to a road district and the repairs necessary to be done at any one time exceed fifty dollars should the county pay the whole amount or that in excess of fifty dollars?

Please let me have your opinion reasonably soon."

Section 7900 R. S. No. 1929, provides as follows:

"The county court may order any bridge built by the county to be attached to a road district, for the purpose of being kept in repair by such road district; but when the repairs necessary at one time shall exceed in value fifty dollars, the same shall not be required to be done by such road district."

It is our opinion that under the above section repairs which cost \$50.00 or more shall be done at the expense of the county, and that no portion thereof can be taxed against the school district. The word "same" used in the last line of the section refers back to the word "repairs" and means that when the cost of repairs exceeds \$50.00, that such expense shall be borne by the county. No provision is contained in the section which would give the construction that only the excess above \$50.00 should be paid by the county court.

It is, therefore, the opinion of this Department that under section 7900, the particular section to which you refer us, that if the repairs exceed \$50.00 in cost, the whole cost of the repairs must be borne by the county court. If the cost of repairs is less than \$50.00, the whole cost must be borne by the road

Mr. William A. Dollarhide,

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June 9, 1933.

district. No provision is made for taxing a part of the cost against the road district where the repairs amount to \$50.00 or more, and in such an event, the entire cost of the repairs when they exceed \$50.00 must be met by the county court.

Very truly yours,

Assistant Attorney General.

APPROVED:

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Attorney General.

FWH:S