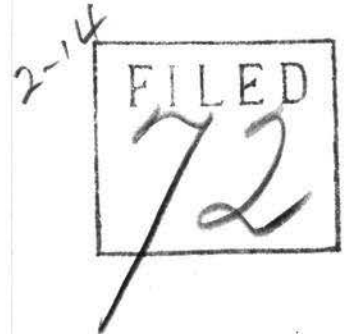


COUNTY HIGHWAY ENGINEER,  
EX-OFFICIO:

In counties which have voted against the application therein of the provisions of Article 8, Chapter 42, R. S. Mo., 1929, as provided by secs. 8019 and 8020 thereof, the compensation of the ex-officio county highway engineer is governed by said sec. 8020, and the other provisions of said Article 8, including sec. 8011 R. S. '29 as amended L. 1939, P. 674 Mo. Stat. Ann. P. 6829 do not apply.

February 13, 1940

Mr. Robert E. Powell  
Macon County Surveyor  
Excelsior, Missouri



Dear Sir:

This will acknowledge receipt of your letter dated February 7th, 1940, requesting our opinion in the following terms:

"I would like to obtain some information or opinion concerning the ex-officio county highway engineer in counties with population of 20,000 which have voted under section #8019 to do away with the county highway engineer. Does the new section #8011 passed in 1939 legislature apply to counties that have done this?"

"Does the county court have the same power over the ex-officio county highway engineer as provided in section 8020 in regard to the days he is actually employed and the compensation he receives?"

Article 8, of Chapter 42 R. S. Missouri, 1929, including sections 8006 to 8023 inclusive, is entitled "County Highway Engineer, Appointment and Duties Of."

Section 8019 of said Article 8, provides for county elections "to determine whether or not the provisions of this article shall continue to apply to such county," and further provides in part that:

"\* \* \* if a majority of those voting at such election upon the proposition vote against the county highway engineer law, then this article and the provisions of the law relating to the appointment and duties of a county highway engineer shall not be enforced in such county."

Section 8020 of said Article 8, in part provides that:

"\* \* \* In all counties wherein the services of a county highway engineer are dispensed with, as provided by section 8019 of this article, the county surveyor shall be ex officio county highway engineer, \* \* \* \* ."

The two above quoted sections of said Article 8, provide for exceptions from the provisions of said Article 8.

Section 8011 of said Article 8, as amended, Laws of 1939, page 674, Mo. Stat. Ann., page 6829, does make a general provision regarding counties which "contain not less than 20,000 inhabitants or more than 50,000 inhabitants." However, said section 8011, and all other provisions of said Article 8, are subject to being suspended from enforcement as provided for by

Mr. Robert E. Powell

(3)

February 13, 1940

sections 8019 and 8020 (Spurlock, Surveyor v. Wallace, et al, County Judges, 218 S. W. 890, 891, 204 Mo. App. 674.) Said section 8011 applies to counties which have not voted against the county highway engineer law.

CONCLUSION.

In counties which have voted against the application therein of the provisions of Article 8, Chapter 42, R. S. Missouri, 1929, as provided by sections 8019 and 8020 thereof, the compensation of the ex-officio county highway engineer is governed by said section 8020, and the other provisions of said Article 8, including section 8011 R. S. Missouri, 1929, as amended, Laws of Missouri, 1939, page 674, Mo. Stat. Ann., page 6829 do not apply.

Respectfully submitted,

LAWRENCE L. BRADLEY  
Assistant Attorney General

APPROVED:

W. J. BURKE  
(Acting) Attorney General

EH:RW