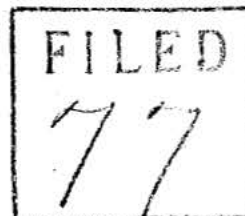


BONDS:

ROADS AND BRIDGES:

Money derived from bond issue for grading, constructing, paving or maintaining of paved, gravel, macadamized or rock roads, and necessary bridges and culverts, can be expended for the purchase of necessary machinery.

April 29, 1947



4/30

Honorable Hamp Rothwell  
Prosecuting Attorney  
Maries County  
Vienna, Missouri

Dear Sir:

This is in reply to your letter of recent date, requesting an official opinion of this department, and reading as follows:

"I am sending you an order of publication under which Maries County voted a bond issue of \$50,000.00 which is to be used for the purposes stated in the order of publication.

"My question is, can any part of this \$50,000.00 be used for the purpose of buying the necessary road machinery to be used for the grading, construction, paving, or maintaining of paved, gravel, macadamized, or rock roads, and necessary bridges and culverts in said Maries County?

"Maries County has no road machinery fit for use in doing this work, and if they can't use part of the proceeds of the bond issue for the purchase of necessary machinery, then a part of the purpose fails for which this bond issue was voted, as they have no other fund available with which to purchase machinery to build and maintain the roads. Please let me have your opinion as early as possible, as the bonds are ready for sale."

Section 8606 of House Committee Substitute for House Bill No. 752 of the 63rd General Assembly authorizes the county court of the counties of this state to issue bonds for and on behalf of the respective counties for the construction, reconstruction, improvement, maintenance and repair of any and all public roads, highways, bridges and culverts within such county.

Sections 3292 to 3300b of House Committee Substitute for House Bill No. 749 of the 63rd General Assembly provide the method to be followed in voting such bonds.

Section 8595, R. S. No. 1939, provides, in part, as follows:

"Whenever any public money, whether arising from taxation or from bonds heretofore or hereafter issued, is to be expended in the construction, reconstruction or other improvement of any road or bridge or culvert, the county court, township board or road district commissioners, as the case may be, shall have full power and authority to construct, reconstruct or otherwise improve any road, and to construct any bridge or culvert in such county or other political subdivision of the state, and to that end may contract for such work, or may purchase machinery, employ operators and purchase needed materials and employ necessary help and do such work by day labor. \* \* \*"  
(Emphasis ours.)

The quoted provision of Section 8595, R. S. No. 1939, clearly authorizes the purchase of machinery out of the bonds voted by virtue of Section 8606 of House Committee Substitute for House Bill No. 752 and Sections 3292 to 3300b of House Committee Substitute for House Bill No. 749 of the 63rd General Assembly.

#### CONCLUSION

It is the opinion of this department that part of the proceeds of the bond issue of Maries County voted under the provisions of Section 8606 of House Committee Substitute for House Bill No. 752 and Sections 3292 to 3300b of House Committee Sub-

Honorable Hamp Rothwell - 3

stitute for House Bill No. 749 of the 63rd General Assembly  
can be used for the purchase of machinery.

Respectfully submitted,

C. B. BURNS, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

CBB:HR