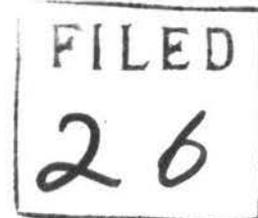


COUNTY TREASURER:
HIGHWAY ENGINEER:
SURVEYOR:

County treasurer elected in 1948 in township organization county serves 4 year term. County surveyor is to be elected in 1948, but by such election does not become ex officio highway engineer.

February 6, 1948



Honorable A. E. Elliott
Prosecuting Attorney
Vernon County
Nevada, Missouri

Dear Sir:

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

"The County Court has requested me to ask you * * * how long County Treasurer is elected for in 1948 in township organizational counties. Is it two or four years?"

"Also does the County Surveyor run in 1948 as County Surveyor and Ex-officio County Highway Engineer? Does he have to be a licensed engineer?"

"Our County Court desires the above information from you."

Section 13789a, Laws of Missouri, 1947, page 429, provides as follows:

"In counties of Classes 3 and 4 the qualified electors shall elect a county treasurer at the general election in the year 1950, except that in those counties having adopted the township alternative form of county government the qualified electors shall elect a county treasurer at the November election in 1948. The county treasurer so elected shall be commissioned by the county court of his county, shall enter upon the discharge of the duties of his office on the first day of January following his election, and shall hold his office for a term of -

Honorable A. E. Elliott

four years and until his successor is elected and qualified unless sooner removed from office. In counties which have adopted the township alternative form of county government the treasurer's term shall extend until the 1st day of April next after the election of his successor."

From the above quoted statute, it is clear that the term of office of the county treasurer in counties of Classes 3 and 4 of this state is four years, and that the county treasurer in counties under township organization shall be elected in presidential years and shall serve for a term of four years.

Section 13190, Laws of Missouri, 1945, page 1759, provides that the voters of counties in this state in Classes 2, 3 and 4 shall elect a surveyor at the general election in the year 1948.

Section 8655, Laws of Missouri, 1945, page 1493, provides that the county court in each county of this state in Classes 2, 3 and 4 may appoint and reappoint a highway engineer.

Section 8660, Laws of Missouri, 1945, page 1494, provides that the county court may, in its discretion, appoint the county surveyor to the office of county highway engineer if he is thoroughly qualified and competent.

Section 8659, Laws of Missouri, 1945, page 1493, provides that Sections 8655 and 8660 are to become effective January 1, 1949, unless necessary to remove any inconsistency with the Constitution of this state, and in such case shall be effective July 1, 1946.

Sections 8655 and 8660 will be in effect when the surveyor who is elected at the general election in 1948 takes office. Since, under the provisions of such sections, the appointment of the county highway engineer is exclusively a matter in the control of the county court, the surveyor who is elected will be elected as surveyor only, and not as ex officio highway engineer, in counties of Classes 2, 3 and 4.

Section 8658, R. S. Mo. 1939, provides that the county highway engineer shall be a resident of the State of Missouri and shall be skilled in the laying of drains, in bridge, culvert and road building and general road work, and shall have a practical knowledge of civil engineering, and shall be active and diligent in the discharge of his duties. Any person possessing such qualifications is qualified and competent to be county highway engineer.

Honorable A. E. Elliott

CONCLUSION

It is the opinion of this department that:

(1) The county treasurer elected in 1948 in counties under township organization shall serve for a term of four years.

(2) The county surveyor in counties of Classes 2, 3 and 4 does not run in 1948 as ex officio highway engineer. The qualifications required in Section 8658, R. S. Mo. 1939, are sufficient for a person to be appointed county highway engineer.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General