

**Surveyors—Counties—County Commissioners.**

County surveyors in counties with a registered vote of 23,000 or over have exclusive jurisdiction over the road work in the county, except as to the purchase of highway and bridge machinery, equipment, tools, and other supplies and material to be used on highways and bridges, the purchase of which must be approved by the board of county commissioners.

M. J. Loughran, Esq.,  
County Surveyor,  
Butte, Montana.

March 17, 1927.

My dear Mr. Loughran:

You have requested my opinion on house bill No. 241, relating to the office of county surveyor, as to the following questions:

1. Is the county surveyor still under the supervision of the county commissioners?
2. Can the county surveyor hire a road foreman without a requisition?
3. May the county surveyor repair roads without first getting permission from the county commissioners?

Section 1 of the bill in question provides as follows:

"The county surveyor of all counties having a total registered vote of twenty-three thousand or over, at the last general election shall have exclusive control, supervision and direction of all highways, bridges and causeways within his county, and in the exercise of such control, supervision and direction he shall: Keep all highways and bridges free and clear of all obstructions; cause highways to be graded, when needed, and maintain and repair the same; cause all bridges and causeways to be made, when needed, and keep the same maintained and in good repair and renew the same when destroyed; make all surveys; establish grades; prepare plans, specifications and estimates; keep accurate cost data; approve all claims against the county for all highway, bridge and causeway construction, maintenance and repair prior to presentation to Board of County Commissioners; employ deputies and men and teams and discharge at his pleasure such deputies, men and teams, and determine how, when and where such deputies, men and teams shall work; purchase and secure all highway and bridge machinery, and machinery equipment and tools to be used upon highways and bridges with the approval of the Board of County Commissioners; purchase and secure all highway, bridge and causeway supplies and materials with the approval of the Board of County Commissioners; from time to time make reports and estimates of all matters relating to highways and bridges when required by the Board of County Commissioners; perform such

other duties as are now or which may be hereafter required by law.”

This section is couched in very broad terms, apparently with the intention of giving the county surveyor in counties having a total registered vote of twenty-three thousand, or over, exclusive control, supervision and direction over all highways, bridges and causeways within his county, and the only restriction placed upon the surveyor is that in the purchase of highway and bridge machinery, equipment, tools and other supplies and material to be used upon highways and bridges, he must secure the approval of the board of county commissioners.

It is therefore my opinion that the county surveyor has exclusive jurisdiction over the road work in the county, except as to the purchase of machinery, supplies, etc., as above stated. It necessarily follows that he can hire a road foreman without a requisition and repair roads without first getting permission from the county commissioners.

Very truly yours,

L. A. FOOT,  
Attorney General.