

Officers—County Surveyor—Qualifications—“Professional Engineer.”

A professional engineer, as mentioned in section 4835, R.C.M. 1921, is one who is trained in the profession of engineering. The three year period of active practice mentioned in said section is not limited to the three years prior to the election of the person to the office of county surveyor.

Mr. Arlie M. Foor,
County Attorney,
Wolf Point, Montana.

December 20, 1930.

My dear Mr. Foor:

You have requested an opinion on the question of whether a person who has been elected to the office of county surveyor is qualified to accept the office when for the past fifteen years or more prior to his election he was engaged in business and had not done any surveying or engineering work and when he has never had any experience in county road work.

Section 4835, R.C.M. 1921, provides:

“A county surveyor shall be a professional engineer, not less than twenty-two years of age, who shall have been in active practice of his profession for at least three years, and who shall have had responsible charge of work as principal or assistant for at least one year; graduation from a school of engineering shall be considered as equivalent to two years of active practice. All deputies must also have a practical knowledge of engineering.”

The word “professional” as used in this statute is not defined but in my opinion is merely means one who is trained in the profession of engineering. In addition to being a professional engineer the statute requires that he shall have been in active practice of his profession for at least three years and shall have had responsible charge of work as principal or assistant for at least one year. There is nothing in the statute which requires that his work shall have been in connection with road work nor does the statute prescribe that the three years must have been immediately preceding his election. The further provision that graduation from a school of engineering shall be considered as equivalent to two years of active practice is highly indicative of the fact that the practice may have been at any time prior to his election and not necessarily confined to the three years preceding his election, as otherwise only those recently graduated from a school of engineering could have the benefit of this provision of the law.

Your letter does not state whether the person in question is a graduate of a school of engineering or whether he has ever practiced the profession of engineering for at least three years and had responsible charge of work as principal or assistant engineer for at least one year. If he lacks these qualifications he would not be qualified for the office, but if he is in fact trained for the profession of an engineer, is twenty-

two years of age or over, and has at some time been engaged in the active practice of the profession of an engineer for at least three years and has had responsible charge of work as principal or assistant engineer for one year or is a graduate of a school of engineering and has had one year or more of active practice, at least one of which was while he was in charge of work as principal or assistant engineer, he would then be qualified to fill the office.

Very truly yours,

L. A. FOOT,

Attorney General.