

COUNTY COURTS: County courts do not have authority to regulate  
ELECTIONS: time standards to be used in the county. County  
TIME: court is without power to order or conduct an  
election for adopting a uniform time standard  
for the county.

February 24, 1964

Opinion No. 62

Honorable C. M. Bassman  
Representative, Gasconade County  
9th and Gutenberg  
Hermann, Missouri



Dear Representative Bassman:

This opinion is issued in response to your request of January 8, 1964, for an official opinion of this office. You inquire:

"Would it be legal for our County Court to pass a law, or ordinance, setting up a uniform time for Gasconade County only and if so, would such an ordinance be binding on all the residents of the county whether rural or urban? If this is not possible, could the Court call a County election for this said purpose and if so, would the results of this election then be binding on all citizens alike?"

County courts do not have inherent powers but must premise their actions upon some legislative grant of authority.

"It has been held uniformly that county courts are not the general agents of the counties or of the state. Their powers are limited and defined by law. They have only such authority as is expressly granted them by statute." King v. Maries County, Mo., 249 SW 418, 420.

Accord: Bradford v. Phelps Co., Mo. 210 SW2d 996, 999.

Hon. C. M. Bassman

We have searched for statutes which would empower county courts to regulate time standards. We do not find any such statutes. Hence, we must rule that county courts do not have the power to regulate time standards for the county. Enclosed herewith is Opinion No. 13 (1954) of this office issued to Honorable Hilary A. Bush, County Counselor, Kansas City, Missouri on June 18, 1954. This opinion is in accord with our present ruling and further discusses the county court's lack of power to regulate public health, safety or welfare without statutory authority.

You further inquire whether the county court has the power to call an election for adopting a uniform time standard. As we have noted above, the county court has only such powers as are granted by statute. Although the county courts are empowered by statute to order certain elections (for example: Sections 59.070, 77.050, 108.040, RSMo 1959) we do not find any statute authorizing county courts to order an election for adopting a uniform time standard. Thus, the county court does not have such authority.

Furthermore, the Supreme Court of Missouri has ruled that no election can be held unless it is specifically provided for by law. State v. Hawk, Mo., 228 SW2d 785, 787; State v. Ellison, Mo., 196 SW 751, 752. We know of no statute providing for an election to be held for adopting a uniform time standard. Indeed, the absence of such evidently prompted House Bill No. 433 of the 72nd General Assembly which proposed such an election. However, since House Bill No. 433 did not become law, there is no statutory authority for conducting an election to adopt a uniform time standard.

Enclosed herewith is Opinion No. 40 (1956) issued to Honorable Forrest L. Hill, Prosecuting Attorney, Howard County, Fayette, Missouri on October 19, 1956, which is in accord with the foregoing conclusions.

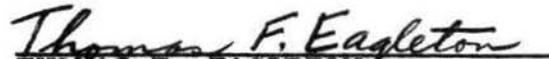
#### CONCLUSION

Therefore, it is the opinion of this office that county courts do not have authority to regulate time standards to be used in the county. It is further our opinion that the county court is without power to order or conduct an election for adopting a uniform time standard for the county.

Hon. C. M. Bassman

The foregoing opinion, which I hereby approve, was prepared by my assistant, Louis C. DeFeo, Jr.

Yours very truly,

  
THOMAS F. EAGLETON  
Attorney General