

COUNTY FARM ORGANIZATION: (1) Under Sec. 6, H.B. 112, 62nd G.A., Laws 1943, p. 319, it is mandatory that county farm agent's office or headquarters be located at county seat. (2) Location of office at county seat consisting merely of a stenographer and continuation of bulk of agricultural agent's work at a place other than county seat not compliance with requirements of said Sec. 6. (3) County court authorized to allot funds for county agent even though his office or headquarters not kept at county seat.

March 27, 1947



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Honorable William Aull III
Prosecuting Attorney
Lafayette County
Lexington, Missouri

Dear Sir:

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

"Reference is made to Revised Statutes 14287.5; the same being Laws of 1943, page 319, Section 6. The matter in question is that regarding the location of the county agricultural agent. (1) Under this section is it mandatory that said agent's office be located at the county seat? (2) Assuming that the office of the said agent is located at the present time at a place other than the county seat and assuming that the answer to question one is in the affirmative, would it be permissible under this section to locate a office at the county seat consisting of merely a stenographer and continue to maintain the bulk of said agricultural agent's work at a location other than the county seat? (3) Is it mandatory that the headquarters of the county agricultural agent be located at the county seat and is the county court authorized to allot funds for such agent so long as the offices or headquarters are retained in a place other than the county seat?"

The first and third questions contained in your opinion request are answered by an official opinion of this department rendered under date of December 10, 1943, to Hon. Phil H. Cook, Prosecuting Attorney of Lafayette County, a copy of which opinion we enclose.

Your second question reads as follows:

"(2) Assuming that the office of the said agent is located at the present time at a place other than the county seat and assuming that the answer to question one is in the affirmative, would it be permissible under this section to locate a office at the county seat consisting of merely a stenographer and continue to maintain the bulk of said agricultural agent's work at a location other than the county seat?"

Section 655, R. S. Mo. 1939, provides that words and phrases should be taken in their plain or ordinary and usual sense, unless they are technical words.

"Headquarters" is defined as a chief or usual place of residence. (Webster's New International Dictionary.)

"Office" is defined as the place where a particular kind of business or service for others is transacted; a house, room or apartment in which public officers and others transact business. (Webster's New International Dictionary.)

From these definitions, it is clear that "office" or "headquarters" refers to the principal place where the county agent transacts his business as such county agent and by virtue of his office as county agent. The Legislature specifically provided that "the" office or headquarters should be at the county seat. This can mean only that the principal place where the county agent transacts the business devolving upon him by virtue of his office should be located at the county seat.

The Supreme Court of Missouri said in *Graves v. Purcell*, 85 S. W. (2d) 543, 1. c. 547:

"In determining the true meaning and scope of constitutional or statutory provisions, the intent and purpose of the lawmakers is of primary importance. * * *"

The General Assembly, in 1943, repealed Article 17, Chapter 102, R. S. Mo. 1939, and enacted in lieu thereof House Bill 112. The first sentence of Section 6 of House Bill 112 of the 62nd General Assembly, found in Laws of Missouri, 1943, page 319, is exactly the same as Section 14283, R. S. Mo. 1939, but the 62nd General Assembly added in Section 6 of that bill the second sentence, which contains the provision that the location of the

county agent's office or headquarters shall be maintained at the county seat. The intent of the Legislature in adding this particular provision to the county farm organization law could be only to assure that the county agent himself would conduct the business of his official position at the county seat.

Therefore, the location of an office at the county seat in which there is only a stenographer and the retention of the bulk of the county agent's work at another location would not be a compliance with the mandatory provisions of Section 6 of House Bill 112 of the 62nd General Assembly, found in Laws of Missouri, 1943, page 319.

CONCLUSION

It is the opinion of this department that:

(1) Under the provisions of Section 6 of House Bill 112 of the 62nd General Assembly, Laws of Missouri, 1943, page 319, it is mandatory that the county agent's office or headquarters be located at the county seat.

(2) The location of an office at the county seat in which there is maintained only a stenographer and the retention of the bulk of the county agent's work at a location other than the county seat is not a compliance with Section 6 of House Bill 112 of the 62nd General Assembly, Laws of Missouri, 1943, page 319.

(3) The county court is authorized to allot funds to the county organization for payment of the county agent even though the county agent does not maintain his headquarters or office at the county seat.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
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