

COUNTY COURTS:
PROSECUTING ATTORNEY:
COUNTY TREASURER:
HIGHWAY ENGINEER:

County court of third-class county may hire stenographer for prosecuting attorney, county treasurer and highway engineer, such stenographer to divide her time among said officers.

*Copy to
J. Smith*

November 21, 1947

FILED
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Honorable Julian L. O'Malley
Prosecuting Attorney
Clinton County
Plattsburg, Missouri

Dear Sir:

This is in answer to your letter of recent date, requesting an official opinion of this department, which reads, in part, as follows:

"I would like to have an opinion from your office on the following question:

Is it within the discretion of the County Court of a Third Class county to hire a stenographer to divide her time between the offices of Prosecuting Attorney, County Treasurer and Highway Engineer, provided such officers budget for such services?

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"It is extremely difficult to obtain stenographic assistance on a part time basis. The work in the three offices mentioned in my inquiry stated above will not justify a full time stenographer in any one of those offices."

We are enclosing official opinions of this department rendered under date of October 3, 1945, to George A. Spencer, and January 23, 1947, to John F. Edmundson. These opinions hold that prosecuting attorneys and county treasurers are entitled to be reimbursed for clerk and stenographic hire necessarily expended by such officers in connection with the official duties of their offices.

Under the doctrine of the case of Rinehart v. Howell County, 348 Mo. 421, 153 S. W. (2d) 381, quoted in both of the above opinions, the county highway engineer is also entitled to such stenographic help as may be necessary in the discharge of his official duties.

Under the holding in the Rinehart case, it is clear that the matter of the necessity of such stenographic assistance to such county officers is a matter of fact to be determined by the county court. Therefore, if it be determined by the county court of a third-class county that one stenographer would be sufficient to take care of all of the stenographic work necessary to the proper functioning of the offices of prosecuting attorney, county treasurer and highway engineer, the county court may provide only the one stenographer for the three officers mentioned.

CONCLUSION

It is the opinion of this department that the county court of a third-class county, if it be determined that one stenographer is sufficient for the stenographic work necessarily incident to the offices of prosecuting attorney, county treasurer and highway engineer, may provide only one stenographer for such officers.

Respectfully submitted,

C. B. BURNS, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

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