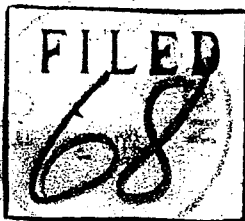


*Dugan*  
COUNTY COURT: It is mandatory duty of county court of fourth class  
ASSESSOR: county to furnish assessor of said county with office  
space, and if no space is available in county court-  
house, then it must provide space somewhere else even  
to the extent of paying rent for an office for said  
assessor.



June 16, 1954

Mr. Don W. Owensby  
Prosecuting Attorney  
Dallas County  
Buffalo, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion  
which reads:

"Please supply this office with an opinion re-  
garding the following question:

"Does the law require or permit the county  
court of a county of Class Four to use county  
funds to pay rent for office space for our  
County Assessor outside of the court house?  
We have no space in the court house for an  
office for the County Assessor. I find nothing  
in the law which requires the county court to  
furnish an office for the County Assessor."

Under Section 7, Article VI, Constitution of Missouri, it  
provides that the county court shall manage all county business as  
prescribed by law. Section 49.510 RSMo 1949 further makes it man-  
datory that the county court shall provide offices or space for  
county officials so as to properly perform their official duties.

In view of the foregoing statutory and constitutional pro-  
visions, there can be no question but that the county court shall  
furnish such assessor office space. This department so held, in  
an opinion rendered to Honorable Allen Rolston, Prosecuting At-  
torney, Schuyler County, under date of December 21, 1949. Also  
this department rendered an opinion to Honorable Thomas A. Matthews,  
Prosecuting Attorney, St. Francis County, Missouri, under date of

Mr. Don W. Owensby

August 8, 1936, which likewise holds that the county must furnish and pay for reasonable office expense of county officers, which opinion does not go quite so far as to specifically hold that the county court shall furnish office space for county officers to the extent of renting an office if necessary; however, the implication is that it shall do so. We are enclosing copies of the foregoing opinions for your perusal.

The decisions referred to in the enclosed opinions previously rendered by this department held that where the law makes it the duty of the county court to provide suitable office space, heat, lights, janitor service and other necessary expenditures for certain county officers and said county court fails to do so, then the county officer had a right to secure same and the county court is bound to reimburse such officer for cost of same. *Buchanan v. Ralls County*, 283 Mo. 10; *Harkreader v. Vernon County*, 216 Mo. 696; *Ewing v. Vernon County*, 216 Mo. 1.c. 692.

In view of the foregoing decisions, we must conclude that the county court shall furnish the assessor in a fourth class county with an office or space for an office and if there is no available space in the county courthouse, then the county court shall provide office space somewhere else even to the extent of renting said assessor an office.

#### CONCLUSION

It is the opinion of this department that it is mandatory upon the county court of a fourth class county to furnish an assessor of said county an office and if there is no space available in the county courthouse, said court must provide space elsewhere even to the extent of paying rent for an office for said assessor.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

JOHN M. DALTON  
Attorney General

ARH:sm

Enc. (2) Hon. Thomas A. Matthews,  
8-8-36  
Hon. Allen Rolston,  
12-21-49