

# OFFICE OF THE ATTORNEY GENERAL



94-00079

JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

DEC 29 1993

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 242-7300

Honorable Larry LouAllen  
Chairman  
Lawrence County Commission  
750 Main Street  
Moulton, AL 35650

Counties - Legislators -  
Office Space

Act No. 93-507 requires that the Lawrence County Commission must provide its legislative delegation with office space owned, or otherwise controlled by the county, in a location which will adequately accommodate the needs of the delegation.

Dear Mr. LouAllen:

This opinion is issued in response to your request for an opinion from the Attorney General.

## QUESTION

Is Lawrence County Commission required to provide office space to Representative Sam Letson, in a building that is not owned or controlled by the county?

## FACTS AND ANALYSIS

Act No. 93-507 requires the Lawrence County Commission to provide office space and other operating expenses to its legislative delegation. Act No. 93-507 provides:

"Act No. 93-507

"AN ACT

"Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

"Be It Enacted by the Legislature of Alabama:

"Section 1. The Lawrence County Commission shall provide office space to the Lawrence County legislative delegation in any office space that is owned or controlled by the county and that is not occupied for use by a county, state, or federal employee. In addition to office space, the county commission shall provide for the reasonable and necessary expenses of operating the office, including clerical assistance, telephone service, and other general office expenses. . . ." (Portions omitted.)

The office space provided may be owned by the county or it may be controlled by the county. Certainly, office space rented is office space "controlled" under the ordinary meaning of the word.

The county commission should provide the legislative delegation with office space owned, rented, or otherwise controlled by the county which is in a location adequate for the legislators. The county commission and the legislators should mutually discuss and, if possible, agree to the location of the office space. The duty placed on the county commission by Act No. 93-507 is to provide the legislators with office space. That duty is mandatory.

Since Representative Letson has rented office space, the county may consider authorizing the lease or rental agreement made by Representative Letson. Alternatively, the county must provide him with office space at county expense which meets the needs of the legislative delegation in a location acceptable to the county commission. While the act does not specifically state that the legislators have their choice of

Honorable Larry LouAllen  
Page 3

locations, certainly the county commission should consult with the legislative delegation to ensure that the office space is adequate for their needs.

CONCLUSION

Act No. 93-507 requires that the Lawrence County Commission must provide its legislative delegation with office space owned, rented or otherwise controlled by the county in a location which is adequate for the needs of the delegation.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:



JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JE/JLB/dn  
L12.93/OP