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OFFICE—PHYSICAL QUARTERS—USE, COUNTY SUPERINTENDENT OF SCHOOLS—SECTION 4844 G. C. REQUIRES COUNTY COMMISSIONERS SHALL PROVIDE SUCH OFFICE—THEY SHALL APPROPRIATELY FURNISH AND EQUIP OFFICE—SUPERINTENDENT'S STATUTORY DUTIES AND FUNCTIONS.

SYLLABUS:

Section 4844, General Code, requires not only that the county commissioners shall provide the physical quarters for an office for the use of the county superintendent of schools but also that the commissioners shall furnish such office with such furniture and equipment as are appropriate to the nature of the superintendent's statutory duties and functions.

Columbus, Ohio, July 26, 1951

Bureau of Inspection and Supervision of Public Offices
Columbus, Ohio

Gentlemen:

This will acknowledge receipt of your request for my opinion, which reads as follows:

"General Code, Section 4844, provides in part that the county commissioners in each county shall provide and furnish facilities for the use of the county superintendent.

"Your opinion is respectfully requested as to whether or not such language requires the county commissioners to provide merely the physical quarters for the county superintendent, or whether or not such commissioners are also required to furnish desks, chairs, typewriters and other office equipment, for the use of the county superintendent.

"We especially are concerned as to your legal interpretation as to what the phrase 'furnish offices' requires on the part of county commissioners."

Your inquiry requires first an examination of the statute relative to the provision of an office for the county superintendent of schools, Section 4844, General Code. This section reads as follows:

"The county commissioners of each county shall provide and furnish offices in the county seat for the use of the county

superintendent. Such offices shall be the permanent headquarters of the county superintendent and shall be used by the county board of education when in session."

In ascertaining the meaning of the above language, it is necessary, first, to consider whether the words "provide" and "furnish" are synonymous, or whether they relate to two distinct requirements on the part of the county commissioners.

In its usual and commonly accepted meaning the expression "to provide" means "to supply," or "to make available." It seems quite clear from the context of the language here under scrutiny that this is the sense in which the word "provide" is used.

The word "furnish" is variously defined, and in one sense it is synonymous with the verb "supply" and so would be synonymous with "provide" as used in Section 4844, General Code. The context indicates that the word "furnish" might be used either in this sense or, quite as readily, in a more expanded sense. In the more expanded sense the word "furnish" is defined in Webster's New International Dictionary as follows:

"To supply a room or house with furniture."

"Furniture" is defined in Webster's New International Dictionary in part as follows:

"Articles of convenience or decoration used to furnish a house, apartment, place of business or if accommodation, etc.; esp., movable articles such as chairs, tables, beds, cabinets, desks, stoves, etc.; as, parlor furniture; kitchen furniture; office furniture; usually distinguished from the fittings or permanent adjuncts, * * *."

In the interpretation of statutory language it is to be remembered that there is a presumption against redundancy and that effect must be given, if possible, to every word of a statute.

It must be remembered also that the words "provide" and "furnish" in this statute are joined by the conjunctive "and." In this respect the following statement in Horack's Sutherland on Statutory Construction, Vol. II, p. 450, §4923, appears to be pertinent:

"Where two or more requirements are provided in a section and it is the legislative intent that all of the requirements must be fulfilled in order to comply with the statute, the con-

junctive 'and' should be used. Where a failure to comply with any requirement imposes liability, the disjunctive 'or' should be used."

Accordingly, it will be seen that the use of the conjunctive "and" in the statutory language here under study is in complete harmony with an interpretation of such language which would recognize two separate requirements on the part of the commissioners rather than one such requirement stated in redundant language.

A third point which may well be considered in connection with the problem here presented is the question of where the responsibility lies to supply office furniture and furnishings for the county superintendent of schools in the event it should be determined that such responsibility does not lie with the county commissioners. An examination of other sections of the General Code relative to the office of the county superintendent and of the county board of education discloses no provisions, either express or implied, which would place that responsibility on any other public agency.

It must be presumed that the county superintendent cannot be expected to discharge his official duties without some office furniture and furnishings, and it cannot be presumed that it was the intent of the legislature that that officer should defray the expense of procuring such from his personal funds.

Accordingly, when it is considered that redundancy in statutory interpretation is to be avoided, that the words "provide" and "furnish" are coupled with the conjunctive "and," and that the responsibility for supplying office furniture to the county superintendent is not elsewhere provided for in the statute, I am impelled to the conclusion that Section 4844, General Code, requires the county commissioners not merely to provide the physical quarters for an office for the county superintendent, but also to furnish that office with such appropriate office furniture and equipment as the nature of his office requires.

Respectfully,

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