

Board of School Trustees, Advertising for Bids. School Trustees, Interest in Paper Publishing Advertisement. Contracts for Advertising, Interest of Trustee In.

There is no legal reason to prevent a newspaper publishing the advertisement of a school board for bids, even though one member of the board of trustees of such school may be the owner of capital stock in such newspaper.

Boards of school trustees may publish call for bids in as many newspapers as they see fit and proper.

May 15, 1911.

Hon. W.R. Harmon,
Supt. of Public Instruction,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 13th inst., in which you request my opinion upon the following state of facts:

"Is it lawful for a school board to advertise for bids, etc., in a local paper in which one of the members of the board of trustees holds stock, but is not a member of the firm who owns the paper? There are two newspapers published in the city and

the board wishes to know if it will be lawful for them to advertise in both newspapers?"

By the provisions of Section 882, Revised Codes of 1907, a school trustee is prohibited from being interested either directly or indirectly in any erection of school houses, or for warming, ventilating, furnishing or repairing the same, or from being in any manner connected with the furnishing of supplies for the maintenance of the school, or to receive any compensation or reward for services rendered as trustee. In my opinion the provisions of this section are exclusive and for that reason the advertisement for bids in a newspaper in which a trustee may be interested is not prohibited by said section.

From your question it is rather difficult to ascertain whether the newspaper mentioned is owned by a co-partnership or a corporation, but in view of the statement that the member of the board is not a member of the firm who owns the paper, I take it that he is not in the actual active management, but is simply a stockholder in a paper owned and operated by a corporation, and I can see no reason why a corporation conducting a newspaper could not legally insert in such paper the advertisement of the school board for bids even though one member of the board of trustees of the school district is the owner of certain of the capital stock of such corporation.

With reference to the latter portion of your question I can see no reason why the school board in their good judgment and discretion may not publish their call for bids in as many newspapers as they see fit and proper, the advertisement being to call to the attention of the prospective bidders, work and furnishings contemplated by the school board, and the more thoroughly such contemplated work is called to the attention of such prospective bidders the more it would inure to the benefit of the district in inviting competition.

Yours very truly,

ALBERT J. GALEN,

Attorney General.