

Section 289, Revised Codes of Montana, 1935, also provides in part:

"The state purchasing agent shall have exclusive power, subject to the consent and approval of the state board of examiners, to contract for all printing and to purchase, sell, or otherwise dispose of, or to authorize, regulate and control the purchase, sale or other disposition of, all materials and supplies, service, equipment, and other physical property of every kind, required by any state institution or by any department of the state government. . . ."

Section 292, Revised Codes of Montana, 1935, provides in part:

"All stationery, printing, paper, fuel and lights used in the legislative and other departments of government, shall be furnished, and the printing, binding and distribution of the laws, journals, and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislative assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder. . . ."

Section 293.5, Revised Codes of Montana, 1935, provides in part:

"Unless otherwise provided by law, the state purchasing agent shall have exclusive power, subject to the consent and approval of the governor, to let to the lowest bidders and enter into contracts with the lowest bidders, for the furnishing of all supplies, stationery, papers, fuel, water, lights, and other articles required by the legislative assembly and all other officers, departments, boards, commissions and institutions of the state."

It will be noted the acts above quoted provide the provisions of the State Purchasing Act shall apply to all officers, departments, boards, commissions and institutions of the state. It is impossible to conceive of more general and broad language.

The Public Welfare Act, by Section 1 of Part I, Chapter 82, Laws of 1937, creates the State Board of Public Welfare. It is a department of the state government so declared by the legislature.

Opinion No. 21.

Public Welfare—Welfare Department —Purchasing Department—Contracts for Purchase

Held: The provisions of the State Purchasing Department Act apply to purchases made by the State Department of Public Welfare coming within the provisions of purchases to be made through the State Purchasing Agent.

March 19, 1945.

Mr. W. L. Fitzsimmons, Clerk
State Board of Examiners
State Capitol
Helena, Montana

Dear Mr. Fitzsimmons:

The question has arisen whether purchases made for the State Welfare Department should be made through the State Purchasing Department.

Section 285, Revised Codes of Montana, 1935, provides in part:

"The state purchasing agent shall, under the restrictions of this act, have full and sole power and authority and it shall be his duty upon approval of the state board of examiners to contract for and purchase or direct and supervise the purchase and sale of all supplies of whatever nature necessary for the proper transaction of the business of each and every state department, commission, board, institution, or official."

The State Purchasing Department Act was enacted prior to the enactment of the State Welfare Act. There is found in the State Welfare Act no express repeal of the State Purchasing Act. A review of the State Welfare Act in its entirety, together with the various amendments enacted by subsequent legislatures, reveals no legislative intention to render the provisions of the State Purchasing Department Act inapplicable to the new agency created. In the absence of clear intent to the contrary, the courts will not construe an act of the legislature to operate as impliedly repealing previous acts.

It is therefore my opinion the provisions of the State Purchasing Department Act apply to purchases made by the State Department of Public Welfare coming within the provisions of purchases to be made through the State Purchasing Agent.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General