

**Public Printing.**

It is legal for the State University to have its printing done outside of the establishment having the contract for public printing, such work not being included therein.

Helena, Montana, May 3, 1907.

Hon. W. E. Harmon,  
Supt. Public Instruction,  
Helena, Montana.

Dear Sir:—

I am in receipt of your favor of the 24th ult., submitting the following question for decision of this office, to-wit:

“Would it be legal for the State University to have its printing done in an office outside of the Independent, which has the public printing contract for the State”?

Section 704 of the Political Code makes it the duty of the State Furnishing Board to “contract for the furnishing of all stationery, printing, binding, fuel, lights, and other necessary supplies to be used by the legislative assembly and all other departments of the government,”

pursuant to the provisions of Section 30 of Article V of the State Constitution. Under the authority and in accordance with the command of the Constitution and law, said board has heretofore entered into a contract with the Record Publishing Company to do the Printing for the legislative department of the State government, and has also entered into a contract with the Independent Publishing Company to do the printing for the Executive and Judicial departments of the State, and appropriations have been made to meet the terms of such contracts and claims presented thereunder. If, therefore, the printing done for the University should go only to the State Printer, it should be covered by contract and paid out of the appropriation made specially therefor rather than from the money appropriated for the "maintenance". The expense of printing done for the State University is a legitimate part of the expense of its maintenance and should properly in my judgment, be paid from the maintenance fund, especially so in view of the fact that the State Furnishing Board have not include same in contract, and the appropriation made for the "public printing" was not made, or intended, to meet this expense. Accordingly, as a matter of law, I see no objection to the University having its printing done outside of the Independent Publishing Company's office. The Furnishing Board has never assumed to take control and supervision of this class of work, hence no bids have ever been asked for or received therefor; and this incidental printing now necessary to be done for the University, not being included within the existing state contracts, you are advised that it is not objectionable, nor unlawful, for the Trustees of the University to order such printing as may be necessary for the University done wherever they may direct within the State, and that it is proper to have the expense of same charged to and paid from the "maintenance appropriation".

Yours respectfully,

ALBERT J. GALEN,

Attorney General.