

**County Commissioners, Contracts for County Poor. Poor,
Contracts for Care of by the County.**

Under chapter 29, laws of 1909, the County Commissioners in letting contract for the care of the county poor should limit the term of such contracts to not exceeding two years.

Helena, Montana, October 19, 1909.

Hon. W. C. Towner,
County Attorney,
Fort Benton, Montana.

Dear Sir:

I am in receipt of your favor of the 14th inst., requesting an opinion upon sections 2054 and 2055, revised codes, as amended by chapter 29, laws of 1909, it appearing that section 2054, as amended, provides that the county commissioners must advertise for bids "for a period of not less than one nor more than two years," while section 2055, as amended, provides that upon receiving said bids, the commissioners must award a contract "for a period of not exceeding three years."

The bill which was passed, and is now chapter 29, was introduced in the house and numbered 40. As introduced and passed through the house, section 2054 read, after the word "period," in line 9, as follows "not exceeding three years," which language was the same as that now appearing in section 2055. The journal of the senate on page 153, shows that when the bill was considered there, that section 2054 was amended by striking out, after the word "period" the phrase "not exceeding three years" and inserting in lieu thereof the phrase "of not less than one nor more than two years." The author of the amendment, apparently, overlooked the necessity of also changing the language of section 2055. This amendment was adopted by the senate, and was later concurred in by the house, and shows that it was the intention of the legislature to amend the law as it is now found in section 2054.

Therefore, in our opinion, the only safe course for the county commissioners to follow is to call for bids for the period mentioned in said

section 2054, as amended, and then, when they let the contracts, to fix the period at not to exceed two years. By following this procedure they will be clearly within the provisions of both sections; whereas, if they attempted to let the contract for three years, there would be a conflict between their call for bids and the contract awarded thereon.

Very truly yours,

ALBERT J. GALEN,

Attorney General.