

Senate, Authority of to Order the Secretary of State to Furnish Rooms. Secretary of State, Duty of to Furnish Committee Room.

There is no provision of law imposing upon the secretary of state the duty of furnishing the senate with suitable rooms.

The provisions of Subdivision 1 of Sec. 154, Revised Codes, does not warrant the senate in demanding by resolution that the secretary of state furnish suitable rooms for committee or other purposes.

January 20th, 1913.

Hon. A. M. Alderson,
Secretary of State,
Helena, Montana.

Dear Sir:

I beg to acknowledge your communication under date of the 18th inst., to the following effect:

"What authority has the senate of the State of Montana, through a committee of one, duly appointed, to order the secretary of state to furnish rooms desired as committee rooms by the senate, when there are available for the use of the senate numerous rooms now furnished, and when there is no money in the capitol building maintenance fund, or in the fund derived from the sale of bonds for the construction of additions to the capitol?"

"Has the secretary of state authority to purchase furniture for committee rooms in the absence of funds in the capitol maintenance fund, or in the funds derived from the sale of bonds for construction of additions to the capitol?"

The statute imposes the duty of furnishing suitable rooms for the use of the Legislative Assembly upon the state furnishing board. Sec. 250, Revised Codes.

The statute provides:

"Sec. 250. It is the duty of such board:

"Subdivision 2. To hire all offices for the state officers, and to furnish the same; to keep the furniture in repair, and to hire and furnish halls and rooms for the use of the Legislative Assembly, and to provide furniture therefor, and keep the same in repair."

I find no provision imposing upon the secretary of state the duty of furnishing the senate with suitable rooms. I presume, however, that the honorable senate has made demand upon you under the view that they were authorized so to do by Sec. 154, Subdivision 1, wherein it is declared to be the duty of the secretary of state:

"To attend at every session of the Legislative Assembly for the purpose of receiving bills and resolutions thereof, and to perform such other duties as may be devolved upon him by resolution of the two houses or either of them."

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In my opinion, however, the above provision of the statute does not warrant the senate in demanding by resolution that the secretary of state furnish suitable rooms for committee, or other purposes.

The "other duties" which either house may devolve upon the secretary of state under the above provision of the statute, are duties of a like nature to those imposed upon him by the preceding clause of the same subdivision. These "other duties" cannot be of an entirely different and distinct nature from "receiving bills and resolutions." This is a well settled rule of statutory interpretation, and this interpretation is in the present case fortified by the fact that in Sec. 250, Subdivision 2, above quoted, the duty of furnishing suitable rooms, etc., is expressly imposed upon the state furnishing board. It would be entirely inconsistent for the Legislature to impose the same duty upon the secretary of state which they have imposed upon the state furnishing board.

In my opinion, it is immaterial that there are no moneys in the capitol maintenance fund.

The honorable Senate may, if it sees fit, lay before the state furnishing board the necessity of additional rooms and furniture.

Very truly yours,

D. M. KELLY,
Attorney General.