

Printing, County, How Done—Contract for County Printing, How Made—County Commissioners, Duty of, Contract Printing to one newspaper.

It is the duty of the county commissioners to let a contract for all county printing to one newspaper.

July 29, 1920.

Board of County Commissioners,
Phillips County,
Malta, Montana.

Gentlemen:

At your request I have examined the opinion rendered your board by Mr. Fred C. Gabriel, County Attorney of Phillips County, relative to county printing.

In 1917, the legislature enacted a new law governing county printing, repealing Section 3897, Revised Codes, and being Chapter 71, Session Laws of 1917. The general provision of Chapter 71, are, however, very similar to the general provisions of Section 2897 repealed thereby, and require the board of county commissioners to contract with some newspaper, published at least once a week, and of general circulation, published within the county, and having been published continuously within such county for at least one year, to do and perform *all* printing for which the county may be chargeable, including all legal advertising, blanks, blank books, stationery, electric supplies, loose leaf forms and devices, official publications, *and all other printed forms* required for the use of the county. Chapter 71 further provides, that in the event any newspaper shall receive any such contract and shall be unable to execute any part thereof, that is, unable to do any portion of the printing, whether blanks, books, or loose leaf forms or devices, such newspaper shall sub-let such portion of the contract to some newspaper or printing establishment within the state, which shall do such work entirely within the state with Montana labor.

As stated by Mr. Gabriel, Section 3897, Revised Codes, was construed and sustained by the supreme court in the case of Hersey v. Nielson, 47th Montana 132, and owing to the similarity of the provisions of Section 2897, and Chapter 71, Session Laws 1917, there can be no question regarding the validity of the provisions of said Chapter 71.

I, therefore, fully concur in the opinion rendered your board by Mr. Gabriel. The Board of County Commissioners must, under the provisions of said Chapter 71, enter into a contract with some newspaper published in the county to do all printing of every nature and kind required by the county, including blank books, loose leaf forms and devices, and cannot procure such work to be done by any other newspaper or printing establishment. In the event the newspaper holding the contract is unable to print any forms, books, etc., such newspaper may procure the same to be done by some other newspaper or printing establishment, but it must be done by a newspaper or printing establishment within the state.

Respectfully,

S. C. FORD,

Attorney General.