

Counties—Blank Forms—Printing.

The County Commissioners are not obliged to furnish blank forms for general use at the expense of the county, but they have discretionary powers in determining what forms may be required for the use of the counties.

Chas. F. Huppe, Esq.,
County Attorney,
Roundup, Montana.

My dear Mr. Huppe:

You have requested my opinion as to whether the county is required to print blank forms for civil actions for the use of the attorneys and the general public.

You state in your letter that you gave as your opinion "that the county is under no legal obligation to furnish blank forms of any kind for the general public use or for the convenience of attorneys, except as they are necessary for the exclusive business use of the county, the county officers, and those persons who are indigent and unable to pay for the same, and that there is no duty upon the county to furnish or to keep or have a stock of general legal forms on hand, for the use of the public or for the convenience of the attorneys practicing before the Court."

Subdivision 20 of Section 4465 of the Revised Codes of 1921 provides as follows:

"The Board of County Commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: * * *

"20. To contract for the county printing, and provide books and stationery for county officers."

Section 4482 provides in part that the County Commissioners must contract with some newspaper to do all the printing of the county including all "blanks, blank-books, stationery, election supplies, loose-leaf forms and devices, official publications, and all other printed forms required for the use of such counties."

In view of these sections of the statute I believe that your opinion is correct and I concur in the conclusion reached by you. I believe, however, that the County Commissioners have discretionary powers in determining what forms may be required for the use of the counties. The work of recording instruments, required by law to be recorded, is greatly facilitated by having a prescribed form for general use.

It is, therefore, my opinion that County Commissioners do not abuse their discretion by printing forms of papers that must be recorded and furnishing the same for the attorneys for use in the county, but that they are not required to do so.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.