

**Opinion No. 231****County Printing—Supplies—Statutes  
—Construction.**

HELD: Chapter 8, Laws of 1933, pertaining to county supplies exceeding \$500.00 and requiring publication of notice and letting to lowest bidder, does

not apply to county printing which should be classed as services and covered by Chapter 10, Laws of 1929.

June 5, 1933.

You have asked my opinion whether Chapter 8, Laws of 1933, applies to the county printing contract, and, therefore, whether it is necessary to publish a notice calling for bids and to let the contract to the lowest responsible bidder.

Section 4482 R. C. M. 1921 as amended by Chapter 10, Laws of 1929, relating to contracts for public printing, fixing of prices, etc., among other things, provides: "The contract shall be let to the newspaper that in the judgment of the County Commissioners shall be most suitable for performing said work, \* \* \*."

It will be noted from a reading of this chapter that no publication of notice is required, nor are the county commissioners required to let the contract to the lowest bidder. On the contrary, the statute requires that the contract be let to the newspaper which, in the judgment of the commissioners, is most suitable for performing the work. It will be observed too that certain maximum prices are fixed by the statute.

Chapter 8, Laws of 1933, does not expressly repeal Section 4482 as amended. Does it do so by implication? Printing in my opinion, cannot be classed as "supplies" without giving that word a strained meaning. Printing rather should be classed as services, work and labor, even though such services in some instances may be rendered in part in connection with certain printed supplies. Moreover, the work of printing is practically all piece work and ordered as needed by the county. It would be impracticable to publish a notice for three weeks, as well as undesirable in many instances to let contracts for printing to the lowest bidder, regardless of the quality of the services rendered. Clearly, the personal element does not enter into the furnishing of supplies such as are enumerated in said Chapter 8, as it does in a contract calling for services as required from time to time. There seems to be no clear intention on the part of the legislature as expressed in said Chapter 8 to repeal the law relating to public printing

which specifically prescribes a procedure which has been in operation for many years.

The general principles of law concerning repeal by implication as expressed in 59 C. J. 904, et seq., compel the conclusion that the legislature did not intend to repeal the law relating to county printing. I quote from one section only, being Section 510, p. 905: "The repeal of statutes by implication is not favored. The courts are slow to hold that one statute has repealed another by implication, and they will not make such an adjudication if they can avoid doing so consistently or on any reasonable hypothesis, or if they can arrive at another result by any construction which is fair and reasonable. Also, the courts will not enlarge the meaning of one act in order to hold that it repeals another by implication, nor will they adopt an interpretation leading to an adjudication of repeal by implication unless it is inevitable, and a very clear and definite reason therefor can be assigned. Furthermore, the courts will not adjudge a statute to have been repealed by implication unless a legislative intent to repeal or supersede the statute plainly and clearly appears. The implication must be clear, necessary, and irresistible.

It is my opinion, therefore, that Chapter 10, Laws of 1929, is not repealed by Chapter 8, Laws of 1933; that it is still in full force and effect and should be followed in contracts relating to county printing.