

No. 318

**BONDS, printing of county bonds—COUNTIES, printing of
bonds of—PRINTING, bonds of counties**

Held: When refunding or other county bonds are issued, the printing of the bonds must be done under the county printing contract, if the county is chargeable either directly or indirectly by the purchaser for the printing of the bonds.

December 12, 1941.

Board of County Commissioners
Meagher County
White Sulphur Springs, Montana
Attention: Mr. E. P. Pierce, Chairman

Gentlemen:

You have asked whether bonds proposed to be issued by your county to refund outstanding bonds should be printed by the county printer under his contract with your county. You state the refunding bonds are being issued and proceedings directed by a fiscal agent under the authority of Chapter 147 of the Laws of 1941.

The requirement that public printing bear the union label, which was referred to by you as controlling a recent opinion of this office, relates to state printing. (Section 260 and Section 261 of the Revised Codes of Montana, 1935). County printing, however, must be done under contract as required by Section 1 of Chapter 118 of the Laws of 1937. The provisions of the statutes relating to county bonds do not alter this requirement unless the purchaser of county bonds furnishes the same at his own expense and without expense, either directly or indirectly, to the county. (Section 4630.20, Revised Codes of Montana, 1935). In that event, of course, the printing is not that of the county but of the purchaser.

The fact that your county has employed a fiscal agent to assist in your refunding proceedings, under the authority of Chapter 147, Laws of 1941, does not alter the requirement the county printing contract shall include "all the printing for which said counties may be chargeable," as provided in Section 1 of Chapter 118, Laws of 1941. In other words, a subsequent contract with a fiscal agent would not alter your previous contract for printing if it purports to include, as it should, all printing chargeable to the county. Needless to say, if a county printer is not equipped to do such specialized work as the printing of bonds may possibly be, he may, under Section 20 of Chapter 116, Laws of 1937, sublet the work to some establishment in Montana which shall do the work entirely within the state with Montana labor.

Many times the purchaser of bonds—if he agrees to print them—takes this expense into consideration in making his bid and thus the cost of the printing of the bonds constitutes an indirect charge to the county.

It is my opinion, therefore, that—when refunding or other county bonds are issued—the printing of the bonds must be done under the county printing contract if the county is chargeable either directly or indirectly by the purchaser for the printing of the bonds.

Sincerely yours,

JOHN W. BONNER
Attorney General