

PUBLIC PRINTING AND BINDING: Definition of phrase "public printing and binding" as used in State Purchasing Agent Act.



May 15, 1947

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Mr. B. H. Howard, Comptroller
Department of Revenue
Jefferson City, Missouri

Dear Sir:

Reference is made to your inquiry of recent date wherein you request an official opinion of this office. Your request reads as follows:

"We would appreciate an opinion defining the term 'public printing and binding' and the nature of printed matter which would and would not come within the meaning of the definition."

We are further informed that your inquiry is prompted by the inclusion of this phrase in Section 76 of Senate Committee Substitute for Senate Bill No. 297 of the 63rd General Assembly, reading, in part, as follows:

"The state purchasing agent shall purchase all public printing and binding of the state, including that of all executive and administrative departments, bureaus, commissions, institutions and agencies, the general assembly and the supreme court.
* * * (Emphasis ours.)

To aid in the construction of statutes of this state, the General Assembly has declared certain rules to be followed. We quote a portion of Section 655, R. S. Mo. 1939, reading as follows:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature,

or of the context of the same statute:
First, words and phrases shall be taken
in their plain or ordinary and usual
sense, but technical words and phrases
having a peculiar and appropriate mean-
ing in law shall be understood accord-
ing to their technical import; * * *

The rule has been applied in *Donnelly Garment Co. v. Keitel*,
193 S. W. (2d) 577, wherein the Supreme Court of Missouri said,
l. c. 581:

" * * * And a primary rule of construc-
tion of a statute is to ascertain from
the language used the intent of the law-
makers if possible, and to put upon the
language its plain and rational meaning
in order to promote the object and pur-
pose of the statute. *Haynes v. Unemploy-
ment Compensation Commission*, supra, 183
S. W. 2d loc. cit. 81, and cases there
cited." (Emphasis ours.)

We have examined various law dictionaries and the permanent
edition of *Words and Phrases* in an effort to determine whether
or not the phrase "public printing and binding" had acquired a
technical meaning which would necessarily have to be applied
under the rule quoted from Section 655, R. S. Mo. 1939. We do
not find that the phrase had acquired such a settled and fixed
technical meaning at the time of its incorporation in the stat-
ute under consideration, and therefore we are required, in con-
struing the statute, to accord the phrase its plain or ordinary
and usual sense.

Reference to Webster's New International Dictionary, Second
Edition, discloses the following definitions of the words which
have been incorporated in the statute:

"binding - The fastening of the sections
of a book, esp. this fastening and the
cover; also, a style or exemplar of book
binding."

"printing - Act, art, or practice of im-
pressing letters, characters, or figures
on paper, cloth, or other material; the
business of a printer, including type-
setting and presswork, with their adjuncts;
typography."

"public - Of or pertaining to the people; relating to, belonging to, or affecting, a nation, state, or community at large; -- opposed to private; as, the public treasury, credit, good; public opinion, etc. The term public is used in designating the legal character of various acts, rights, occupations, etc., that affect or belong to the collective body of a state, or community."

Applying these definitions to the words found in the phrase under consideration, we are led to the view that the General Assembly thereby referred to printed publications, books, documents, manuscripts, and items of a similar nature, designed primarily for public records and for the dissemination of information relative to the public affairs of the state to the inhabitants thereof. Examples of this type of printing and binding would be the statutes and legislative enactments and reports of all kinds, printed forms for various departmental public uses, such as income tax blanks, workmen's compensation forms, the numerous applications supplied the public to be used in dealing with state departments, the Missouri Supreme Court reports and Missouri Courts of Appeals reports, and the reports of various state departments which are required by law to be printed and made available to the public at large.

We recognize the fact that in addition to what we have described above as "public printing and binding," many of the state departments and agencies require other printed matter such as stationery and various blanks used within the department or agency itself and not by the general public. We think that items of this nature are properly to be considered "supplies" rather than "public printing and binding."

CONCLUSION

In the premises, we are of the opinion that the phrase "public printing and binding," as used in Section 76 of Senate Committee Substitute for Senate Bill No. 297 of the 63rd General Assembly, refers to publications, documents, books, forms, and items similar in nature, which are more or less printed and distributed for the benefit of the public in general, or which are to be used by the public in dealing with the State of

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Missouri and its various departments and agencies, and that the phrase does not include such printed matter as is chiefly used and designed for the internal operation of the various state departments and agencies.

Respectfully submitted,

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APPROVED:

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Attorney General

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