

PRINTING:
GENERAL ASSEMBLY:
PURCHASING AGENT:
DEPARTMENT OF REVENUE:

The printing of all stationery, bills, journals, and other printing of the legislature or any of its creatures such as legislative joint committees, interim committees or commissions must be purchased by the commissioner of administration pursuant to the provisions of Sections 34.170 through 34.250, RSMo.

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OPINION NO. 172

May 11, 1973

Honorable Ray S. James
Representative, District 31
Room 202H, Capitol Building
Jefferson City, Missouri 65101



Dear Representative James:

This is in reply to your request for an official opinion of this office concerning the question whether printing of all stationery, bills, journals, and other printing of the legislature or any of its creatures such as legislative joint committees, interim committees or commissions must be purchased through the state purchasing agent.

First, we note that now wherever the purchasing agent is referred to it shall mean the commissioner of administration. Section 26.300, RSMo Supp. 1971.

Section 34.170, RSMo, provides:

"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. All state officers shall order all of their printing and binding through the state purchasing agent. The purchasing agent may authorize any state penal, eleemosynary or educational institution to procure all or any part of its own printing and binding."
(Emphasis supplied)

Section 34.180, RSMo, provides that the commissioner of administration shall advise the officials and heads of departments for economy purposes as to preparation of manuscript or copy, and shall determine, when not otherwise provided by law, for the form,

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style, size, etc., of all public printing, "except that (1) the form of legislative printing may be prescribed by the general assembly."

Thus, these provisions of law explicitly provide that all printing of the legislature must be purchased under the provisions of Sections 34.170 through 34.250, RSMo.

However, you advise that some members of the legislature take the position that such provisions do not apply to printing of the legislature in that Section 21.230, RSMo, controls. Section 21.230 provides:

"Each house shall control its own contingent expenses; and when any accounts properly chargeable to the house of representatives are adjusted and allowed according to the rules of that house a certificate shall be granted, signed by the speaker and attested by the chief clerk; and when any account or demand for contingent expenses of the senate is allowed according to the rules of that house a certificate shall be granted, signed by the president and attested by the secretary."

First, it is noted that unlike Section 34.170, this provision does not specifically refer to printing, but used the term "contingent expenses" which is not defined.

Assuming the costs of printing constitute a contingent expense, the question then is whether these two statutes are in conflict, and if so, which one controls.

The basic rule of statutory construction is to seek legislative intention, which should be ascertained from words used, if that is possible, and, in so doing, words should be given their plain and ordinary meaning so as to promote the object and manifest purpose of statute. State ex rel. State Highway Commission v. Wiggins, 454 S.W.2d 899 (Mo. banc 1970). If two provisions can be construed with a view of accrediting to the legislature a laudable purpose in enacting both provisions and give to both provisions life and operative effect, the court should do so. Teasdale v. Mayne, 166 S.W.2d 316 (St.L.Ct.App. 1942).

It is our opinion that when Sections 21.230 and 34.170 are read together, considering the object and manifest purposes of both sections, that they are not in conflict and both can be given effect. The fact that the commissioner of administration makes purchases of printing for the legislature does not conflict with the general legislative control of its own contingent expenses.

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However, if it should be considered that the two statutes are in conflict, there are two rules of statutory construction that apply. The first is that in case of conflict between general and special provisions, the special one prevails. McGrew v. Missouri Pac. Ry. Co., 132 S.W. 1076 (Mo. banc 1910). The legislature could not have been more specific than the language in Section 34.170, whereas Section 21.230 is certainly general in nature. Accordingly, under this rule it is also our opinion that Section 34.170 is controlling.

The second rule of statutory construction that applies when statutes are in conflict is that the one last enacted controls. State ex rel. Greene County v. Gideon, 199 S.W. 948 (Mo. 1947). Section 34.170 was first enacted in 1945 and has only had a minor amendment since then. L. 1945, p. 1453 §76. Section 21.230 was first enacted in 1825 and also has only had minor amendments since then. R.S. 1825, p. 506 §8, reading as follows:

"That each house shall have power to control and regulate its own contingent expenses; and when any account, properly chargeable to the house of representatives, shall be adjusted and allowed according to the rules of that house, a certificate thereof shall be granted, signed by the speaker, and attested by the chief clerk; and when any account or demand for contingent expenses of the senate, shall be adjusted and allowed according to the rules of that house, a certificate thereof shall be granted, signed by the president, and attested by the secretary; and all joint expenses of both houses, shall be regulated and controlled by their concurrent vote, and shall be ascertained and adjusted according to their joint rules, a certificate thereof shall be issued, signed by the president and countersigned by the secretary of the senate: and every such certificate, to be issued as aforesaid, shall specify the amount due, on what account, and the fund out of which it is to be paid; and the auditor of public accounts, on the delivery of such certificate to him, shall draw his warrant therefor accordingly, as in case of other demands against the state."

Thus, under this rule also, Section 34.170 controls.

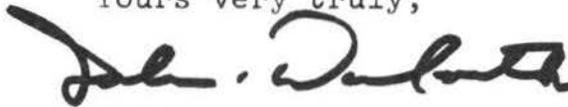
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CONCLUSION

It is the opinion of this office that the printing of all stationery, bills, journals, and other printing of the legislature or any of its creatures such as legislative joint committees, interim committees or commissions must be purchased by the commissioner of administration pursuant to the provisions of Sections 34.170 through 34.250, RSMo.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Walter W. Nowotny, Jr.

Yours very truly,

A handwritten signature in black ink, appearing to read "John C. Danforth". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JOHN C. DANFORTH
Attorney General