

**OPINION
67-242**

April 12, 1967 (OPINION)

Mr. R. C. Hastings

Seed Commissioner

RE: State - Printing - Officers Name on Public Documents

This is in reply to your letter of April 7, 1967, wherein you enclosed a letterhead, rules and regulations and seed lists which show one or more employee names. You ask which, if any, are in violation of Senate Bill No. 164 which was passed at the Fortieth Legislative Session.

The full text of the substance of Senate Bill No. 164 as passed at the last session of the Legislative Assembly is as follows:

SECTION 1. UNLAWFUL FOR PUBLIC OFFICIALS TO PLACE NAME ON PUBLIC DOCUMENTS IN LARGE SIZE TYPE - PENALTY. It shall be unlawful for any elected or appointed state, county, or local official to print his name, or cause his name to be printed, upon any envelope paid for by the state or its political subdivisions; or upon other public documents, reports, promulgated rules and regulations, or publications unless his name is printed in a smaller type than the printed name of the office, department, or agency as it appears on such material. The provisions of this Act shall not apply to the use of printed stocks of forms and supplies on hand at the effective date of this Act. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor and punished by a fine of not more than one hundred dollars."

In the first instance, we would assume that all of the materials submitted are from printed stocks of forms and supplies on hand at the effective date of the Act, i.e., July 1, 1967, and to that extent do not violate the Act. However, there would be a serious problem with regard to reprinting same after the effective date of the Act.

On the letterhead we note that the name of the department, "Seed Department", is printed in the largest type used for names or offices as is the case with the Seed Potato Certification List; however, the name of the commissioner is printed in larger type than the name of the office of "seed commissioner." Also on the letterhead the word "deputy" is printed in the same size type as the names of the deputies. On the Seed Potato Certification List, the names of the deputies are printed in larger type than the word "deputy." On the Seed Certification Rules and Regulations, the name of the department is printed in larger type than the names of the commissioner and deputies, though the words "seed commissioner" and "deputy" are printed in smaller type than the names of the individuals filling those offices. On the seed list, the name of the department and the names of the officers are printed in the same size type, though again, the words "Seed Commissioner" and "Deputy" are printed in smaller type than the name of the individual officers. On the Seed

Journal, State Seed Department is printed in type larger than names of officers, though the words "Seed Commissioner", "Deputy" and "Secretary-Treasurer" are in the same size type as the names of the individuals filling those offices.

In this instance we believe the word "or" in the phrase, "office, department, or agency", as used in the legislative enactment, was intended to be used in the conjunctive rather than disjunctive sense, i.e., rather than giving the official the choice of whether his name will be printed in a type smaller than that of either the office, department or agency, it requires that the name be printed in smaller type than that used for office, department, agency or any of these that appear on the instrument in question.

On such basis, where the words "Seed Commissioner", "Deputy" or "Seed Department" appear in the title of the instrument, they should be in larger type than that used for the names of any of the individuals filling those offices appearing on such instrument. The Act would further appear to apply to each of the materials you submit after the supplies on hand, after the effective date of the Act, are exhausted.

HELGI JOHANNESON

Attorney General