

**Public Schools, Text Books Of. Text Books in Public Schools, By Whom Printed. Union Labor, in Printing Text Books.**

The State of Montana does not print nor control the printing of text books. The policy of the law is to recognize Union Labor where conditions are equal, but Sec. 254 does not either enumerate or refer to text books, and, therefore, the text book commission should use its sound discretion in contracting for such books.

June 24, 1912.

Hon. W. E. Harmon,  
Chairman, State Text Book Commission,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 21st inst., submitting the question:

"Does Sec. 254 of the Revised Codes of Montana require that text books for use in the public schools of the state must bear the label of the branch of the International Typographical Union of the city in which they are printed."

Said Section 254 of the Revised Codes is as follows:

"All printing for which the State of Montana is chargeable, including reports of state officers, state boards, pamphlets, blanks, letter-heads, envelopes, and printed matter of every kind and description, save and except certificates of appointment and election to office, shall have the label of the branch

of the International Typographical Union of the city in which they are printed.”

The law creating the State Text Book commission and defining its powers and duties is contained in Secs. 791 to 804, inclusive, of the Revised Codes. The purpose of this law investing authority in the commission to select the text books is not only to secure uniformity in the books used throughout the state, but to select the text books best adapted to conditions existing in the state, and which will best subserve the welfare of the pupil in pursuing the course of study required by law. The state, of course, does not print these books; neither can it control their printing, for a great many of the books at least are copyrighted, and the printing of such books is not state printing within the meaning of said Sec. 254. The policy of the law is to recognize the Typographical Union where conditions are equal, and as to the printing referred to and enumerated in Sec. 254 the Union must be recognized, but that section does not either enumerate or refer to text books, and, therefore, cannot have the effect of controlling the discretion of the State Text Book commission in the selection of the text books to be used in the public schools of the state, for such matters rest wholly in the discretion of the Text Book commission.

Yours very truly,

ALBERT J. GALEN,

Attorney General.

P. S.—The foregoing is in confirmation of the oral opinion given you on the 21st inst.