

State Textbook Commission, Contracts Of. Contracts, of
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Governor. Governor, Duty to Approve Contracts.

The constitutional provision requiring contracts to be approved by the governor and state treasurer apply only to the contracts specified in Sec. 30, Art. V, of the constitution, and does not apply to contracts entered into by the state textbook commission.

July 16, 1912.

Hon. Edwin L. Norris,
Governor,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your favor of the 16th inst., in which you ask my opinion as to whether or not it is necessary for you to officially approve the contracts entered into between the State Textbook Commission and the several publishing houses awarded contracts for the furnishing of textbooks to be used in the public schools of the state.

After careful study and consideration of the question presented and examination of our statutes I am of opinion that the law does not contemplate that such contracts should be first approved by the Governor and State Treasurer in order to be legal. The law providing for the creation of the State Textbook Commission and providing its powers and authority does not specifically require the approval of the Governor and State Treasurer of the contracts made in the name of the State for the purchase of the necessary textbooks. In fact, the law specifically and expressly confers the right upon the State Textbook Commission,

“To make such contracts and agreements for the use and supply of the State Textbooks in the name of the State as they shall deem necessary for the best interests of the public schools of the State.”

If it was intended that the Governor, or Treasurer, or both should approve such contracts the law would have made such provision. The Constitutional provision found in Section 30 of Article V, does not relate to this character of contracts but only to contracts let by the state furnishing board or the state board of examiners for the furnishing of,

"Stationery, printing, paper, fuel, and lights used in the Executive or other departments of the government and the printing and binding and distribution of the laws, journals and departmental reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the legislative assembly and its committees."

Section 258, Revised Codes of 1907, refers specifically to such contracts as are let by the furnishing board for the furnishing to the state of the character of supplies specifically mentioned in section 250 Revised Codes of 1907.

Yours very truly,

ALBERT J. GALEN,
Attorney General.