

State Text Book Commission, Powers of. Text Books, Re-adoption of.

The State Text Book Commission is not precluded from readopting text books theretofore used.

November 22, 1916.

Hon. John Dietrich,
Superintendent of Schools,
Helena, Montana.

Dear Sir:

I am in receipt of your communication under date the 8th instant, submitting the question:

"Whether the State Text Book Commission may legally re-adopt text books in certain subjects, or whether, having given notice of a meeting to receive bids, they are bound to choose different texts?"

The provisions of law governing the actions of the State Text Book Commission are found in Section 1802 and 1803, Chapter 76, Laws of 1913. Section 1802 provides for biennial meetings on the first Monday of October, "for the purpose of considering in what subjects, *if any*, as hereafter provided, text books shall be changed, and expiring contracts extended." The words "Shall be changed," as used here, refer back to the clause "for the purpose of considering in what subjects, etc." This language is clearly directory, and not mandatory. Whether text books shall be changed or expiring contracts extended, is left to the discretion of the Commission. The law only requires that they meet to consider changes; it does not compel them.

Yours very truly,
J. B. POINDEXTER,
Attorney General.