

**State Penitentiary, Manufacturing Plant at. Manufacturing Plants, at State Penitentiary. Bonds, for Manufacturing Plants.**

Under the provisions of the Constitution, the State has a right to establish manufacturing plants as part of the penitentiary scheme. If the cost of such plant be not over \$100,000.00, it is not necessary to submit the question to a vote of the people.

January 21, 1915.

Hon. S. V. Stewart, Governor,  
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 19th instant, relating to the proposition of establishing a manufacturing plant at the State Penitentiary, and requesting my official opinion as to whether it will be possible to bond the state for the machinery and plant, and if so, what method may be pursued.

The Constitution of Montana provides, Article X, Section I:

“\* \* \* Reformatory and penal institutions \* \* \* shall be established and supported by the State in such a manner as may be prescribed by law.”

Article VII, Section 20 provides:

“The Governor, Secretary of State and Attorney General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be prescribed by law.”

Article XVIII, Section 2, prohibits the letting by contract to any person or persons, or corporation, the labor of any convict confined within the institution. By virtue of these provisions of the Constitution, there can be no doubt about the right of the State to establish a manufacturing plant or plants, as a part of the penitentiary scheme. In view of the prohibition against contracting the labor of prisoners, the institution would necessarily have to be conducted by the State acting through its proper officers, and in view of the powers granted by Article VII, Section 20, supra, the Board of State Prison Commissioners should be clothed with the supervision of such a plant, under such regulations as might be prescribed by the legislature.

If such a manufacturing plant may be established at a cost not exceeding the sum of \$100,000, it is not necessary to submit the question to a vote of the people, for in such case the legislature may create a debt for that purpose by law, which shall be irrevocable until the indebtedness provided for by such law shall have been fully paid and discharged. Such a law must specify the purpose to which the funds to be raised shall be applied, and provide for a levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by the law for the payment thereof. On the other hand, if the manufacturing plant in contemplation will cost to exceed \$100,000, it will be necessary to submit the question to the people at the next general election for their ratification.

Constitution, Art. XIII, Section 2.

Yours very truly,

D. M. KELLY,  
Attorney General.