

Opinion No. 15

State Institutions—Oleomargarine—Residence Halls.

Held: Oleomargarine may not be used as a butter substitute or in imitation of butter in residence halls at Montana State University under Section 2620.37 of the Revised Codes of Montana, 1935.

April 21, 1949.

Mr. Paul Golden
State Purchasing Agent
Capitol Building
Helena, Montana

Dear Mr. Golden:

Mr. R. A. Shaw, the former State Purchasing Agent, has requested my opinion on the following question:

"May oleomargarine or butter substitutes be used by the residence halls at Montana State University?"

Section 2620 of the Revised Codes of Montana, 1935, prohibits the use of certain products in State institutions, and provides as follows:

"No oleomargarine, substitute butter, renovated butter, or any other substance designated as an imitation of or substitute for butter, or any condensed milk from which the butterfat has been removed, and a vegetable or other oil has been substituted therefor, shall be used in any of the **educational, charitable, hospital, medical, reformatory or penal institutions maintained by the State of Montana**, or which receives from the State of Montana, any money, appropriation or financial assistance whatsoever." (Emphasis supplied)

Under the above Statute, any educational institution maintained by the State of Montana or any educational institution which receives money, appropriations or financial assistance, whatsoever, is forbidden to use oleomargarine.

The Montana State University is an educational institution, under the control and supervision of the State of Montana and acting through the State Board of Education (Section 841, Revised Codes of Montana, 1935, as amended by Chapter 12, Session Laws of 1943, and Chapter 158, Session Laws of 1945), and under the powers delegated to the State Board of Education, they may erect residence halls at educational institutions in order to provide room and board for the students thereof, and equip and improve from time to time the various resident halls of the six units of the University of Montana.

Although I am aware of the fact that the residence halls are self-sustaining, nevertheless, they continue to constitute a part of the

University system, which is an educational institution maintained by the State of Montana.

In the light of the above discussion, it is my opinion that oleomargarine may not be used as a butter substitute or an imitation of butter in the resident halls at Montana State University.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General.