

Opinion No. 60**Farm, State Prison—Industrial Revolving Fund—Medium Security Building, State Prison—Prison Industries—Revolving Fund, Prison Industry—State Prison**

Held: Expenditures from the prison industrial revolving fund (No. 99) for the purchase of material and services required in the construction of the medium security building is authorized by the provisions of Sect. 13, Ch. 162, L. 1953.

June 30, 1958

Mr. G. L. Bryant
Executive Clerk
State Board of Examiners
Helena, Montana

Dear Mr. Bryant:

You have requested my opinion whether moneys from the Montana state prison industrial revolving fund presently designated fund No. 99 by the office of the state controller, may be used for the purchase of material and services to complete a part or all of the medium security building now being constructed on the prison farm.

Establishment of the fund was authorized by Sect. 13, Ch. 162, L. 1953 (Sec. 94-35-152.13, RCM, 1947), which provides in part:

"All receipts from the sale of the products produced or manufactured by the industries in the penal or reformatory institutions of the state shall be deposited in the state treasury to the credit of a special fund to be designated 'industrial revolving fund.' Said fund shall be available for capital outlay for industrial purposes or maintenance, operation and recurrent expenses of the industries above described . . ."

The prison farm is one of the industries comprehended by the act (See Sect. 94-35-152.1, RCM, 1947), and fund No. 99 consists in part of moneys derived from the sale of farm products.

The purpose of the medium security building is to house inmates, most of whom are to be employed on the prison farm. It is

also anticipated that certain small industries will be developed at the medium security center. Thus, clearly the medium security building will be directly connected with industrial purposes and money spent on its construction will be a capital outlay for that purpose.

It is therefore my opinion that an expenditure of money from the prison industrial revolving fund (No. 99) for the purchase of material and services required in the construction of the medium security building is authorized by the provisions of Sect. 13, Ch. 162, L. 1953. The amount of money that can be expended for this purpose must be determined by the prison warden, who must, of course, balance the need for other expenditures from the fund against the need for the medium security facility.

Very truly yours,
FORREST H. ANDERSON
Attorney General