

**OPINION
59-250**

January 19, 1959 (OPINION)

STATE GOVERNMENT

RE: Institutions Under Control of Board of Administration - Use of
Inmate Labor - Construction and Repair of Institutional
Buildings

This is in reply to your letter of January 15, 1959 regarding the use of prison labor in the construction, alteration and repair of buildings at the penitentiary where the amount of such work is in excess of three thousand dollars. You call our attention to section 54-2345 and 48-0202 of the N.D.R.C. of 1943. Your question is whether prison labor can be used in projects involving more than three thousand dollars and open to competitive bids.

Section 54-2345 of the N.D.R.C. of 1943 does authorize utilization of inmate labor in the type of projects contemplated although it specifically provides that: "The attempt to use such inmate labor shall not permit a substantial departure from the requirements of chapter 2 of the title Public Buildings."

It is our opinion that in view of the provisions of section 48-0202 of the 1957 Supplement to the N.D.R.C. of 1943 and section 48-0203 of the N.D.R.C. of 1943, it is necessary to let the contracts for such projects on competitive bidding, but there would be no legal objection to providing for utilization of inmate labor in such contracts, under the present statutes.

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