

No. 267

**MONTANA STATE TRAINING SCHOOL—SCHOOL FOR
FEEBLE MINDED—FEEBLE MINDED—COUNTIES—
MAINTENANCE OF INMATES AT MONTANA STATE
TRAINING SCHOOL**

Held: The Superintendent of the Montana State Training School at Boulder, Montana, cannot collect or receive any sums of money from any county, individual or institution for board or maintenance of any inmate of said institution, except as provided in Section 1480, Revised Codes of Montana, 1935.

October 14, 1941.

State Board of Examiners
State Capitol
Helena, Montana

Gentlemen:

I have studied the financial report of the Montana State Training School at Boulder, Montana, dated September 5, 1941, as prepared by Mr. William Hosking, State Accountant.

Under Schedule "I" of said report, there are sixteen counties of the state, five individuals and the St. Joseph's Orphans Home, who have paid to said Montana State Training School during said fiscal year the amounts set opposite their respective names, totaling \$5,118.26, for board and maintenance of respective inmates at the said school.

All such payments have been collected and received by the Montana State Training School without any authorization of law. Each of the individuals, counties and institutions making such payment would, in my opinion, have a legal and valid claim against the state for the amounts so paid, except for the amount or amounts paid for clothing.

The State Legislature has always made appropriations for this institution for the expenses of taking care of and the maintenance of the inmates thereof.

The only valid and legal charge against a county is provided in Section 1480, Revised Codes of Montana, 1935, which is as follows:

"Expenses of commitment a county charge. The expenses of examination, transportation, and clothing of the inmates admitted under this act shall be paid by the county from which they were committed, upon the rendering of a sworn itemized account of said expenses, and the county in turn shall collect, in its own name, from the parents, guardian, or estate of the inmate, provided they are financially able to meet such expenses. Said inmate, whether a minor or adult, shall remain such county charge so long as he is in this institution."

Therefore, it is my opinion the superintendent of the Montana State Training School should be notified by your Board to desist from receiving or collecting any further sums of money from any county, individual or institution for board or maintenance of any inmate of said institution, except as provided in Section 1480, Revised Codes of Montana, 1935.

Sincerely yours,

JOHN W. BONNER
Attorney General