

**Opinion No. 40.****State Hospital for the Insane—State Board of Examiners—Federal Grants—Nurses and Nursing.**

Held: No part of the moneys derived from the sale of bonds issued under authority of Chapter 55, Laws of 1941, may be expended by the State Board of Examiners for the purpose of participating with the federal government in the construction of a nurses' home to house student nurses receiving psychiatric training at the state hospital for the insane.

April 8, 1943.

State Board of Examiners  
State Capitol  
Helena, Montana

Gentlemen:

You have asked me if the State Board of Examiners may use any of the moneys derived from the sale of bonds issued under the authority of Chapter 55, Laws of 1941, for the purpose of participating with the federal government in the construction of a nurses' home at the Montana State Hospital for the insane. The proposed building would be used by student nurses receiving psychiatric training at the hospital.

Chapter 55, Laws of 1941, directed the State Board of Examiners to issue bonds in the name of the State of Montana, in a sum not exceeding five hundred thousand dollars (\$500,000.00) in excess of the constitutional indebtedness theretofore incurred or created, for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements and acquiring necessary grounds therefor at the Montana Hospital for the Insane at Warm Springs. Referendum Measure No. 43 which authorized such bond issue was adopted by the people of this state at the general election held November 5, 1940, and became effective by virtue of the governor's proclamation November 28, 1940. The legislative assembly submitted the Referendum to the people as a part of Chapter 168, Laws of 1939.

Section 1 of Chapter 55, Laws of 1941, provides in part:

**“ . . . the moneys to be derived from the sale of said bonds shall be**

expended for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements and for acquiring necessary grounds therefor at the Montana state hospital for the insane at Warm Springs, Montana, and such proceeds are hereby appropriated for such purposes." (Emphasis mine.)

Application has been made to the federal government for a grant to finance the construction of a nurses' home to be located at the Montana State Hospital for the Insane. The building will be used to provide necessary living space and dormitory facilities for student nurses who can receive psychiatric training within this state only at the Montana State Hospital for the Insane. The construction of such a building will result in providing additional clinical experience for student nurses in Montana, so that the eleven nursing schools of this state will be able to train more nurses to meet the present critical need for war nurses. Without such clinical experience it is doubtful if the number of nurses in schools of nursing of this state can be increased. It is certain such clinical experience cannot be secured satisfactorily in any other manner in Montana, for the State Hospital for the Insane affords the best and only opportunity in Montana for providing psychiatric nurses' training.

However, in order for any of the moneys derived from the sale of bonds authorized by Chapter 55, Laws of 1941, to be expended by the State Board of Examiners, the purposes of the expenditures must fall definitely within the confines provided in Chapter 55. The language of Chapter 55 quoted above is definite and clear. Moneys expended under it must be for the **construction, repair and equipment of necessary buildings and other permanent improvements** at the Montana State Hospital for the Insane. Such buildings obviously must be necessary at the hospital for the insane.

The proposed nurses' home will house student nurses—students from the eleven nursing schools in this state—who must attend the State Hospital for the Insane for the purpose of receiving psychiatric training. Thus, it is apparent the proposed building is **necessary for the efficient and comprehensive education of student nurses within this**

state, rather than for the hospital and the inmates therein.

Hence, it is my opinion no part of the moneys derived from the sale of bonds issued under the authority of Chapter 55, Laws of 1941, may be expended by the State Board of Examiners for the purpose of participating with the federal government in the construction of a nurses' home to house student nurses receiving psychiatric training at the state hospital for the insane.

Sincerely yours,  
R. V. BOTTOMLY  
Attorney General