

construction of the workshop was the original purpose of the bond issue.

Section 3 of Article XIII of the Montana Constitution provides:

"All moneys borrowed by or on behalf of the state or any county, city, town municipality or other subdivision of the state, shall be used only for the purpose specified in the law authorizing the loan."

The above quoted would prohibit the use of the money for any other purpose than the construction of the workshop. Section 1224.22, Revised Codes of Montana, 1935, contains the same provisions as the Constitution, and said section reads in part as follows:

"All moneys arising from the sale of such bonds shall be paid to the county treasurer and by him credited to the school district issuing the same, and shall be immediately available for the purpose for which the bonds were issued and **no other purposes.**" (Emphasis mine.)

While the indirect result of the proposed plan would result in the construction of a workshop, yet a portion of the money would be diverted to the construction of a swimming pool, and thus violate both the Constitution and the statutory prohibition against the use of the proceeds of a bond sale for a purpose other than that for which the bonds were issued.

The fact that the contemplated action may be in the best interests of the county or school district is not an admissible argument. The doctrine of expediency does not enter into the construction of statutes. (Franzke v. Fergus County, 76 Mont. 150, 158, 245 Pac. 962.)

It is therefore my opinion that under the constitutional and statutory provisions a school district does not have the power to use the proceeds of a bond issue which was issued for the purpose of constructing a workshop to be used in conjunction with the schools of the district in the remodeling of an old swimming pool into a workshop and the construction of a new swimming pool.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General

Opinion No. 177.

School and School Districts—Bond Issue—Funds, School Bond Issue.

Held: A school district does not have the power to use the proceeds of a bond issue which was issued for the purpose of constructing a workshop to be used in conjunction with the schools of the district in the remodeling of an old swimming pool into a workshop and the construction of a new swimming pool.

July 1, 1946.

Mr. Ernest A. Peterson
County Attorney
Gallatin County
Bozeman, Montana

Dear Mr. Peterson:

You have requested my opinion asking if funds realized from the sale of school district bonds issued for the purpose of enlarging a schoolhouse may be used to convert a swimming pool into a workshop and build a new swimming pool in place of the old. The