Opinion No. 12.

Offices and Officers—Highway Commission—Maintenance of Office in Capitol Building—Building Defined.

HELD: State Highway Commission may move its offices to new highway building and maintain the same therein, altho Section 1783 R. C. M. 1921 provided such office be maintained in the Capitol Building, the word "building" being inclusive of plural "buildings."

January 7, 1937.

State Highway Commission
W. O. Whipps, Secretary
Capitol Building
Helena, Montana.

Dear Mr. Whipps:

You have requested an opinion as to whether the Laws of Montana, particularly referring to Section 1783, Revised Codes of Montana, 1935, will require the Highway Commission to actually maintain its office in the Capitol Building itself, as at present located, or whether the maintenance of its offices in what you describe as the "new highway building," near to or adjacent to the present building, will be in substantial compliance with Section 1783.

To hold that the Highway Commission cannot enter into and maintain its offices in the new building, adjacent to the present building, would be placing a too narrow and limited construction on Section 1783. This section, among other things, provides, "The office of said commission shall be maintained in the State Capitol Building." I cannot hold that the words, "In the State Capitol Building," means only one building nor the four corners of one building. When the statute uses the words, "In the State Capitol Building," it includes buildings as well.

When Section 1783 was enacted into law and used the langage therein, "The Capitol Building," it contemplated and meant the plural as well as the singular in the interpretation of the words, "Capitol Building." Section 16 of the Revised Codes of Montana, 1935, provides, "The singular number includes the plural and the plural, the singular."

Article 10, Section 4 of the State Constitution, in reference to appropriations and expenditures, among other matters, uses language in the plural rather than the singular and speaks of capitol buildings or grounds, clearly indicating that all of the offices of the state government were not compelled to be housed within the confines of one particular building. The new building, adjacent to the present building, while not actually within the confines of the four walls of the old Capitol building, is a part of the Capitol building or buildings and on Capitol ground or grounds.

Therefore, it is my opinion that the maintenance of the Highway Commission offices in the new building is in compliance with the law, and particularly Sestion 1783 of the Revised Codes of Montana, 1935.