

HELD: Under Chapter 105, Laws of 1933, (The Liquor Control Act) authority to purchase liquors and to lease, furnish and equip liquor stores is confined exclusively to the Montana Liquor Control Board; the State Purchasing Agent has no authority in these matters.

January 4, 1933.

You have asked us which of the two, the Montana Liquor Control Board and the State Purchasing Agent, is vested with authority to purchase liquors and lease, furnish and equip stores wherein such liquors may be sold, in order to give effect to the State Liquor Control Act.

A careful consideration of Chapter 105, Laws of 1933, (the Liquor Control Act) and particularly of Sections 2, 6, 8, 9, 10, 35, 91, 94, 98, 99 and 101 thereof, has convinced us that such authority is confined exclusively to the Montana Liquor Control Board.

It will be noted that the Act nowhere mentions the State Purchasing Agent. He is not required by it to do anything. Moreover, under Chapter 66, Laws of 1923, the State Purchasing Agent must advertise for bids for practically all state and institutional supplies, while the Act in question appears to contemplate that liquors shall be bought and stores leased, furnished and equipped without that formality.

Opinion No. 415

Liquor Control Board—Powers—Leases—Purchases of Liquor and Equipment—State Purchasing Agent.