

Opinion No. 145.

**Liquor Control Board—Buildings—
Office Building and Warehouse,
Power to Build.**

HELD: The Montana Liquor Control Board is vested with the power to erect a building in the City of Helena to be used as an office and warehouse.

July 23, 1935.

Montana Liquor Control Board
Helena, Montana

You have asked for an opinion as to whether or not the Montana Liquor Control Board has the right, under the State Liquor Control Act, to erect a building to be used as an office and warehouse by the Montana Liquor Control Board.

We quote for you sections of Chapter 105, Laws of Montana of 1933, as amended, which we believe are pertinent to this matter.

"Section 5. The principal office of the Board shall be in the City of Helena."

"Section 8. The Board shall have the following functions, duties and powers: * * *

(e) To lease, furnish and equip any building or land required for the operation of this Act; * * *

(f) To buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects of this Act;

(k) Without in any way limiting, or being limited by the foregoing, to do all such things as are deemed necessary or advisable by the Board for the purpose of carrying into effect the provisions of this Act, or the regulations made thereunder."

"Section 91. All property, whether real or personal, all moneys acquired, administered, possessed or received by the Board and all profits earned in the administration of this Act, shall be the property of the state, * * *."

"Section 93. The Board shall make all payments necessary for the administration of this Act, including the payment of the expenses of the members of the Board and its staff, and all expenditures incurred in establishing and maintaining State Liquor Stores and in the administration of this Act."

"Section 94. All moneys received from the sale of liquor at the State Liquor Stores or from license fees or taxes or otherwise, arising in the administration of this Act, shall be paid to the Board, and the Board is hereby authorized to make such expenditures from such fund as from time to time becomes necessary in the administration of this Act, in-

cluding in such expenditures all salaries, expenses of officers, agents and employees, and all proper expenditures incurred in acquiring property and merchandise in connection with the administration of this Act."

"Section 101. The Board is hereby authorized to incur indebtedness in the administration of this Act for necessary expenses and the acquisition of necessary property and merchandise, provided, however, that the total amount of outstanding indebtedness shall not at any time exceed the sum of Twenty-five Thousand Dollars (\$25,000) and provided further that any indebtedness so incurred by the Board shall be paid solely out of the moneys arising in the administration of this Act."

Under the foregoing sections, it is our opinion that the Montana Liquor Control Board is vested with the power to erect a building in the City of Helena to be used as an office and warehouse, and that the Board is authorized to use funds on hand and current funds received, to pay for the erection thereof.