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Yes
J.P.W.
6/20/51

q.c.

June 18, 1951
Op. No. 51-161

J. P. Ward, M.D., M.P.H.
Director of Public Health
Arizona State Department of Health
State Building
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Dr. Ward:

We have your letter of April 10 wherein you request an opinion from this office concerning what effect Senate Bill No. 70, Chapter 136 of the 20th Legislature, has upon five passenger cars and a mobile X-ray unit which were all purchased with Federal funds in possession of the State Department of Health. You specifically ask:

"In your opinion, would it be possible for us to continue operating these cars as we have in the past? Or if not, and we are forced to dispose of them, would I be safer in following the Federal law that says the money must go back to the funds from which it came, or would I be safer in following the state law which says that the money for them shall go into the general fund in the state treasury?"

In reading Senate Bill No. 70, we find nothing therein which makes it mandatory that all motor vehicles be placed in a motor pool. Section 4 of the Act does provide for a motor vehicle pool. This section states in part:

"A pool of motor vehicles shall be maintained at a convenient location in the City of Phoenix by the Department of Finance for the purpose of providing transportation for state agencies."

The language in this section falls far short of requiring all motor vehicles assigned to different State agencies to be placed in a motor vehicle pool. In paragraph 2 of section 2 of the Act it states:

"State agencies, not specifically authorized to own or operate a state motor vehicle, shall be furnished transportation from the motor vehicle pool provided in section 4 of this act. * * * The director of the department of finance may reduce the maximum number of motor vehicles that may be owned and operated by any state agency * * *"

This indicates to us that certain State agencies are still authorized to own and operate motor vehicles without placing them in the motor vehicle pool. In Section 8 of the Act, the Director of the Department of Finance is authorized to make certain rules and regulations. The pertinent part of this section reads as follows:

"With the approval of the legislature, the director of the department of finance may promulgate regulations not inconsistent with the provisions of this act governing the procurement, disposal, use, maintenance, repair and operation of state owned motor vehicles. The director or department head of each state agency operating its own motor vehicles shall submit a monthly report to the department of finance showing in summary, cost, operation, maintenance and mileage information for each state owned vehicle."

Answering the first part of your question, it is our opinion that it would be possible under the provisions of Senate Bill No. 70 to continue operating the vehicles above

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described as you have been operating them in the past, providing such agreement can be worked out with the Director of the Department of Finance.

With your permission we will not answer the question asked us concerning the disposal of the vehicles or the manner in which the money received from the sale of such vehicles will be handled until such time as it is necessary to sell the same.

Very truly yours,

FRED O. WILSON
Attorney General

KENT A. BLAKE
Assistant Attorney General

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