

Opinion No. 9

AUTOMOBILES; State; power to buy "high priced" cars—GOVERNOR; Power, Automobiles, may authorize purchase of other than "low price"—STATE; Automobiles; power to purchase "high priced" cars—SECTION 53-504, REVISED CODES OF MONTANA, 1947.

Held: The governor has the authority to approve of the purchase of automobiles, by the State which are not of the "low-priced" field.

May 2, 1961

Honorable Donald G. Nutter
Governor of the State of Montana
State Capitol
Helena, Montana

Dear Governor Nutter:

You have requested my opinion whether you have the authority to approve of the purchase of motor vehicles, by the state, which are not of the "low-priced field."

The automobile purchasing statute, Section 53-504, RCM, 1947 provided that all passenger automobiles and station wagons purchased by the state must be of the "low-priced field." This statute was amended by Chapter 157, Laws of 1961, to provide:

". . . The governor is specifically authorized: . . .

To approve the purchase of all new motor vehicles for such branches of the state government as required, provided, however, that all vehicles, except cars purchased for the Governor, including ambulances, suburbans, busses, station wagons, pickups and trucks, shall be purchased on the basis of standard specifications sufficiently limited in detail so as to fairly invite competitive bidding, and on the basis of low bid, and providing that all such vehicles shall be of the United States make.****

The Legislature repealed the provisions of the old law which limited the purchase of state automobiles to those which possessed certain characteristics and were of the "low-priced field." The only limitation in the present law is that the governor approve the purchase of all new motor vehicles for such branches of the state government **as required**. The Legislature has made it the governor's duty to determine when the state needs new motor vehicles and what size, body style, and priced vehicle will best fulfill that need. After the governor has made such determination the motor vehicle must be purchased in the manner provided for by statute.

It is therefore my opinion that you have the authority to approve of the purchase of any American made motor vehicle of any price range or size, so long as such vehicle is purchased, after competitive bidding, from the low bidder and dealers of competitive makes of motor vehicles are not precluded from bidding by restrictive specifications.

Very truly yours,
FORREST H. ANDERSON
Attorney General