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ARIZONA ATTORNEY GENERAL**

September 17, 1954
Letter Opinion
No. 54-227-L

The Honorable Howard Pyle
Governor of the State of Arizona
Capitol Building
Phoenix, Arizona

Re: Use of airplane by state employee.

Dear Governor Pyle:

We are in receipt of your inquiry relating to the use of a private airplane by an employee of the State Department of Health for official business.

Section 12-713, A.C.A. 1939, as amended, specifies:

"12-713. Mileage and traveling expenses.--
(a) Authorization for Travel. Whenever the official duties of a public officer or employee make it necessary for him to travel from his designated post of duty he shall be allowed expenses. All travel shall be authorized by a travel order signed by the head of the issuing department or agency, or by a person to whom such authority has been properly delegated.

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(c) Means of travel. * * * (2) Private conveyance may be allowed for travel within the state by way of the most direct regularly traveled route computed by highway map or speedometer reading when traveling by automobile and shall be paid at a rate not to exceed seven cents (7¢) a mile; if by airplane, by the most direct air mileage route listed by the civil aeronautics board at actual rates not to exceed ten cents (10¢) a mile.

When private conveyance is used without the state, mileage will not be allowed for automobile, but a sum equal to that of first class travel by railroad may be

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claimed; if by airplane, air mileage will not be allowed, but a sum equal to that of first class airways fare may be claimed by the employee or officer authorized to travel."

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It is, therefore, clear, under the above-quoted statutory enactment that the head of a department may authorize an employee within his department to travel within the state whenever official duties require by means of a private airplane.

When such authorization is rendered and the private airplane is utilized, the employee is thereupon entitled, by the express terms of Section 12-713, supra, to payment for mileage at a rate not to exceed ten cents (10¢) a mile.

Of course, each department head, in arriving at a decision in the matter of authorizing an employee to travel within the state by private airplane should be cognizant of the increased rates for industrial compensation which are charged when an employee of a department uses this means of private conveyance.

We hope the above information will be of assistance to you.

Sincerely yours,

WILLIAM T. BIRMINGHAM
Assistant to The
Attorney General

WTB:bt

cc: Mr. R. A. Taylor
Auditor's Office
Capitol Building
Phoenix, Arizona