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July 3,
1934.

Ana Frohmiller, Auditor,
State of Arizona,
Capitol Bldg.,
Phoenix, Arizona.

Dear Mrs. Frohmiller:

This is in response to your Mr. Heggie's oral request for an opinion of the Attorney General as to whether an officer, while traveling on official business outside of the state, and using his private conveyance, may legally receive 5¢ per mile traveled.

Section 2803, R.C.A. 1928, as amended by Chapter 40, Session Laws of 1933, provides in part, as follows:

"Mileage and traveling expenses. Whenever the official duties of a public officer make it necessary for him to travel from the point where he is required by law to maintain his office, he shall be allowed mileage and traveling expenses not in excess of actual reimbursement, to be computed as follows: If to a point without the state, a sum equal to the aggregate of railway fare and pullman charges; if within the state, a sum equal to railway or stage fare; where private conveyance is used, not to exceed five cents per mile traveled, all distances to be measured by the nearest regularly traveled road, and if more than one officer, employee, or other public agent is transported in the same private automobile, only one mileage shall be charged or allowed; * * * * *

There seems to be no limitation placed upon the use of a private vehicle, that is, it may be used within the state as well as without. The Attorney General is of the opinion that an officer may use his private vehicle outside of the state, as well as within the state, and receive 5¢ per mile for such use.

Very truly yours,

Attorney General,

Assistant Attorney General.

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