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## ARIZONA ATTORNEY GENERAL

March 28, 1957  
Opinion No. 57-49

REQUESTED BY: Honorable Jack E. Gardner  
House of Representatives

OPINION BY: ROBERT MORRISON  
The Attorney General  
JOSEPH P. LEWIS  
Assistant Attorney General

- QUESTIONS:
1. Can the Arizona State Aviation Authority expend State funds for the purpose of searching for lost aircraft?
  2. Can the Arizona State Aviation Authority investigate causes of aircraft accidents?
  3. Can the State Aviation Authority investigate the need for the issuance of permits related to air carrier operations within the State?
  4. Can the State Aviation Authority issue permits related to air carrier operations within the State?

- CONCLUSIONS:
1. No.
  2. Yes.
  3. Yes.
  4. No.

In arriving at the above answers, we must look to the powers and duties granted to the State Aviation Authority by the Legislature. A.R.S. § 2-123 states the following:

"A. The authority shall cooperate with all organizations, state, local and federal, for the purpose of encouraging and advancing aviation in this state.

B. The authority may assemble and distribute to the public information relating to aviation, landing fields, beacons and other matters pertaining to aviation, and may accept in the name of the state federal monies made available for the advancement of aviation."

Honorable Jack E. Gardner

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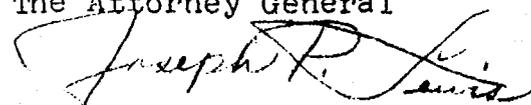
1. The foregoing statute does not either expressly or by implication authorize the Authority to undertake the burden of searching for lost aircraft.

2. For the purposes of encouraging and advancing aviation in this State and distributing information, the Authority is, by virtue of the clear purposes of this Act, entitled to gather the information needed. No limitation is implied as to whether this activity is to be limited to a mere academic search, and, therefore, information can actually be ascertained through the empirical method of investigation. The mere fact that the Federal Civil Aeronautics Authority performs the same function should in no way prevent the State Authority from making such investigations. The purposes of the federal and state investigations are sometimes the same, in some ways different, but in no ways in conflict or antagonistic to one another. Therefore, the answer to question two is in the affirmative.

3. In that the need (or lack of need) for the Authority to issue permits related to air carrier operations within this State manifestly goes to the purposes of encouraging and advancing aviation in this State, such investigation and, indeed, an assembling and distribution of such information would be authorized.

4. The answer to the fourth question is clear. The State Aviation Authority is without authority to require certification of common-carrier aircraft or any other aircraft. The Legislature has not granted this power to the State Aviation Authority.

ROBERT MORRISON  
The Attorney General



JOSEPH P. LEWIS  
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