



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

September 12, 1957

Honorable Homer Garrison, Jr.
Director, Texas Department of
Public Safety
5805 North Lamar Boulevard
Austin 27, Texas

Opinion No. WW-223

Re: Can the Texas Department
of Public Safety pay the
tuition for attendance by
their Pilot-Investigator
at a Flight Proficiency
Training Program?

Dear Colonel Garrison:

Your request for an Opinion on the above subject
matter is as follows:

"Your opinion is respectfully requested as to whether the Department may pay the tuition for attendance by our Pilot-Investigators at a Flight Proficiency Training Program designed to bring both the pilot and the aircraft to their peak proficiency and enable the pilot to operate under adverse conditions and other types of emergencies.

"The Department of Public Safety currently operates State-owned aircraft and is in the process of purchasing a new aircraft which will be delivered in the near future. A firm known as Flight Proficiency Service of Fort Worth, Texas, has a training course designed to instruct pilots in fields heretofore denied them without access to extensive engineering data and airline type training organizations. The pilot is trained to the extent that he will be capable of operation in all types of weather and will have complete confidence in himself and his equipment to handle any type of emergency while operating under adverse conditions. It is well known that equipment of this Department must be used under such conditions during natural disasters, prison

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escapes and otherwise, and that valuable equipment, as well as the lives of the pilots and persons working with them, are at stake.

"House Bill 133, Acts of the Fifty-Fifth Legislature, Regular Session, authorizes the Department to maintain four aircraft and, also, provides on Page 1054, Chapter 385, Acts of the Fifty-Fifth Legislature, Regular Session, for appropriations for the following:

"'Also, necessary expenses for training for operating law enforcement training schools, and miscellaneous operating expenses.'

"Department aircraft will be used at the training school and will be available for emergency Departmental service while the school is in progress. The aircraft, as well as the pilot, will be used by the Department for essential governmental purposes and the pilot does no flying for any purpose except as an employee of the Department of Public Safety. The skills acquired by him at this school will be used in carrying out his official duties.

"Expenditures contemplated to be made for this purpose will be out of the appropriations provided in House Bill 133, Acts of the Fifty-Fifth Legislature."

The question you pose in your request is analogous to numerous requests concerning travel and per diem expenses incurred by state employees while attending educational short courses to enhance their particular technical skills. Attorney General's Opinion WW-83, enclosed herewith, presents a detailed consideration of such.

It is apparent from the facts stated in your request that the training received by the said Pilot-Investigators will be directly and substantially used by the employee Pilot-Investigator to facilitate the operation of the aircraft in a more efficient manner and, therefore, the facts established that the relationship between the request of

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Public Safety intrusted to the employee is reasonable, substantial and direct.

Accordingly, you are advised that the Texas Department of Public Safety may pay the tuition for attendance by their Pilot-Investigator at a Flight Proficiency Training Program.

SUMMARY

The Texas Department of Public Safety can pay the tuition for attendance by their Pilot-Investigators at a Flight Proficiency Training Program.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *Marvin R. Thomas, Jr.*
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APPROVED:

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REVIEWED FOR THE ATTORNEY GENERAL
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