

Opinion No. 13-1013

April 11, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Hon. H. B. Hamilton, District Attorney, Carrizozo, N. M.

DISTRICT ATTORNEYS.

Traveling and officer expenses of district attorneys.

OPINION

{*177} Your letter of the 8th inst. relative to allowances to district attorneys for traveling expenses, stationery, office supplies and postage was received here yesterday while I was in Albuquerque.

I agree with you that these expenses should cover the time from the day of your qualification. I would be inclined to give a little broader meaning to the words "traveling expenses" than mere transportation charges, were it not for the fact that the bill appears to have been amended in the legislature by striking out the words "including transportation, hotel and lodging bills." I think it is proper to consider this in arriving at the meaning of the term, and therefore believe that traveling expenses should be limited to actual transportation.

{*178} You say that as to the stationery, supplies and postage, you have not kept an itemized record, but I believe that should not be allowed to cut you off from all reimbursement. Under the statute, you can be paid upon any verified account which will meet the approval of the district judge and I think you should make up an account to the best of your ability, stating in it that you are unable to give all the items and in the verification, setting out that while the account is not itemized, you know that it does not exceed what you had actually expended. The judge will probably be satisfied with such a sworn statement and approve the account and then payment would follow as a matter of course.