

Opinion No. 15-1594

July 22, 1915

BY: FRANK W. CLANCY, Attorney General

TO: Hon. W. J. Linwood, Secy., Cattle Sanitary Board, Albuquerque, N. M.

Actual and necessary expenses of members of the Cattle Sanitary Board.

OPINION

{*169} I have just received your letter of yesterday in which you say that it has been the custom for members of your Board to charge a per diem fee of \$ 5.00 per day while attending meetings, and as that amount is insufficient to cover ordinary expenses incident to attending the meetings, you ask whether there is anything that would prohibit a fee of \$ 10 per day while in actual service.

I believe that the only statutory provision on this subject is to be found in Section 205 of the Compiled Laws of 1897 which reappears as Section 69 of the codification of 1915. That section is as follows:

"The members of said board shall receive no compensation except their actual and necessary expenses while in the performance of their duties, and for such expenses they may be reimbursed out of the indemnity fund."

Under this statute I do not believe that any fixed per diem would be proper. Any attempt to fix such an amount might result in members being paid more or less than their actual and necessary expenses. Each member attending a meeting of the Board should make up an itemized statement of his actual and necessary expenses and have it allowed and paid by the board. Such accounts should include all traveling expenses in going to and returning from the place of meeting, and hotel bills on the road and at the place of meeting.