

**Opinion No. 34-710**

January 6, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Honorable Juan N. Vigil, State Comptroller, Santa Fe, New Mexico. Attn.: Mr. C. R. Sebastian, Chief Asst. State Comptroller.

{\*103} Your letter of January the 5th, inquires whether per diem and expenses should be paid to officers and employees while on duty in the City of Santa Fe, or whether such per diem and expenses should be paid when such employees or officials are on duty in some place other than at the actual location of their office?

It is the opinion of this office that per diem and expenses are limited to the place of residence, rather than to the actual place of performance of duty. In other words, an employee residing in the City of Santa Fe would not be entitled to per diem or expenses for the performance of duty actually within the City of Santa Fe.

The mere fact that such employee's office might be located in the State House is of no consequence.

By: FRANK H. PATTON,

Asst. Attorney General