

**Opinion No. 37-1751**

September 8, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Honorable J. R. Modrall, Attorney Unemployment Compensation Commission  
Albuquerque, New Mexico

{\*156} This is to acknowledge receipt of your letter of September 7, 1937, in which you request an opinion upon the following:

1. Are employees of the New Mexico Unemployment Compensation Commission allowed travelling expenses at the rate of \$ 4.00 per day, plus mileage, or is the \$ 4.00 per diem to cover all expenses including mileage?
2. Is it necessary in the case of out of state travel that the amount of expenses including per diem be specified in the order of the Governor authorizing such travel?

The questions will be answered in order.

The amount of mileage and per diem available for state travel is governed by Section 9 of Chapter 232 of the New Mexico Session Laws of 1937. I call your attention to the third paragraph of this section. It seems to me that it is very clear \$ 4.00 per day is to be allowed for lodging and subsistence. Specific provision is made for mileage at the rate of six cents per mile. There is nothing in the act which, in our opinion, could be construed as limiting mileage and expenses to \$ 4.00 per day. To the contrary, we think that it is manifest that a person claiming such expenses is entitled to both the mileage and per diem.

Chapter 11, New Mexico Session Laws of 1937, sets out the requirements for out of state travel. All that is required is that the trip be authorized by the Governor. There is nothing in the chapter requiring the submission of an itemized account before the trip is made. In many cases this would be impossible.

Trusting that this answers your questions, I am

By: RICHARD E. MANSON,

Asst. Atty. Gen.