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Opinion No. 63-7-L
R-122
December 17, 1962

REQUESTED BY: RALPH A. REDBURN, Director
Department of Civil Defense

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: Should the State Treasurer honor warrants which are drawn by the State Auditor after presentation of claims by the head of the Department of Civil Defense for services rendered within the fiscal year but prior to the particular pay period and which warrants are for a total amount that is within the specific allotment by the legislative appropriation?

ANSWER: Yes.

This question arose when the Federal Government notified the Arizona Department of Civil Defense that employees in the Arizona Department were not receiving sufficient salaries according to Federal merit pay standards for the positions to which they had been appointed. The Federal Government then threatened that Federal funds would be withheld from the department from July 1, 1962, until a proper salary adjustment was made. The department thereupon temporarily laid off one employee so that sufficient funds existed in the department's allotment for salaries stemming from the legislative appropriation.

The State Auditor must approve a claim and draw a warrant when a head of a budget unit, such as the Arizona Department of Civil Defense, presents a claim to the auditor within one year after the claim accrues and within one month after the close of the fiscal year in which the obligation was incurred, for an amount within the department's allotment, as provided by the legislative appropriation for the certain purpose for which the claim was drawn. *Proctor v. Hunt*, 43 Ariz. 198, 29 P.2d 1058 (1934); A.R.S. §§ 35-152, 35-153, 35-154, 35-173, 35-181 (after December 31, 1962, 35-181.01) and 35-190. After being approved by the State Auditor, the warrant must be paid by the State Treasurer when it is, "countersigned by the governor but only from the appropriation made therefor."

Hudson v. Brooks, 62 Ariz. 505, 515, 158 P.2d 661
(1945); A.R.S. § 35-181 (after December 31, 1962,
35-181.01).

(B) Paragraph B of A.R.S. § 35-181 (same as 35-181.01
states:

"The head of each budget unit shall prepare and present payrolls to the state auditor. The budget head shall certify on each payroll claim that the persons whose names appear have performed the services required by law, and the amount opposite the name is due and unpaid. Each employee shall sign a payroll claim which acknowledges the amount opposite his name is due for services rendered and shall certify that he is a citizen of the United States." (Emphasis added.)

The phrase, "for services rendered," does not necessarily limit the services to those within the immediate pay period. Theoretically, the maximum possible period for services rendered can extend back only one year from the time the claim is presented to the auditor. A.R.S. § 35-181 (A) (same as 35-181.01 (A).) In most cases the period can only extend back less than a year because of the fiscal year plus one month requirement of A.R.S. § 35-190. Consequently, provided that the above requirements are satisfied, the warrants should be drawn by the State Auditor and honored by the State Treasurer even though the claims cover remuneration for services rendered prior to the immediate pay period.

However, the unusual facts of this case must be emphasized. This office certainly does not suggest that budget unit heads make a regular practice of shuffling their work forces in order to have additional allotted funds for salaries for services performed for substantially prior periods. However, in this special case, the answer to the question is in the affirmative.

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