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Opinion No. 64-16-L

R-90

April 7, 1964

REQUESTED BY: ARIZONA STATE FAIR COMMISSION

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTIONS: 1. What are the limitations for authorization of expenditure of monies from the State Fair Fund by the Arizona State Fair Commission ?

2. What are the limitations upon the payment of expenses to members of the State Fair Commission ?

ANSWERS: 1. See body of opinion.

2. See body of opinion.

The Arizona State Fair Commission is a corporate body with perpetual succession. A.R.S. §3-1006, as amended 1963. See also Attorney General's Opinion No. 63-61-L. Its powers and duties are specifically enumerated by law. A.R.S. §3-1003 and A.R.S. §3-1007, as amended 1963.

A.R.S. §3-1007, as amended 1963, provides:

"In addition to the powers which it may now have, The Arizona state fair commission shall have power: . . . (4) to perform all acts and to do all things necessary and convenient to carry out the powers herein granted, or heretofore granted, and to carry out the purposes of this article."

In addition to other provisions of law relating to the use of monies by the Commission, the Legislature created the state fair fund:

"A. Monies received by the commission shall be deposited promptly with the state treasurer, who shall credit to the state fair fund, which shall be under the full control and the jurisdiction of the commission. Vouchers for authorized expenditures shall be signed by the chairman of

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the commission and attested by the secretary. Expenditures shall be made upon claims approved by the commission and presented to the state auditor, who thereupon shall draw his warrant against the state treasurer, to be by him paid out of the fund. Balances remaining in the fund at the end of a fiscal year shall not revert to the general fund." A.R.S. §3-1005.A.

The foregoing provisions must be read in conjunction with the statutory duties and powers of the Commission. See A.R.S. §3-1003 and 3-1007, as amended 1963.

The Commission as a corporate body may incur expenses which are "necessary and convenient" to carry out its powers. When so limited, expenditures therefore are "authorized" within the meaning of A.R.S. §3-1005. Upon presentation of vouchers therefor, in the manner set forth in the statute, the auditor "shall draw his warrant against the state treasurer, to be by him paid out of the fund." A.R.S. §3-1005.A.

With respect to compensation of commission members, A.R.S. §3-1002.A states:

"Each member shall receive actual and necessary expenses incurred while traveling in the interests of the commission but shall receive no other compensation."

The phrase "actual and necessary" expenses authorizes reimbursement without regard to the limitation of A.R.S. §38-621 et seq. Attorney General's Opinions Nos. 62-67-L and 64-15-L.

The phrase "interests of the commission" is necessarily defined by reference to the powers and duties of the commission. A.R.S. §3-1003 and A.R.S. §3-1007, as amended 1963.

Accordingly, a commissioner is "traveling in the interests of the commission" when he travels for the purpose of exercising any of the powers and duties enumerated in A.R.S.

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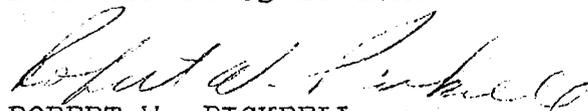
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§3-1003 and A.R.S. §3-1007, as amended 1963, or when he travels for the purpose of doing anything which is "necessary and convenient" to carry out those powers.

The foregoing is subject to the limitation imposed by our Court in Thompson v. Frohmiller, 56 Ariz. 313, 107 Pac. 375 (1940): where a member of the State Fair Commission who resided in Chandler, Arizona and was directed to superintend work at the Fairgrounds in Phoenix, traveled daily between his Chandler home and the Fairgrounds. The expenses thus incurred were not reimbursable under A.R.S. §3-1002.A.



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