20 December 1946

Mr. Theodore Pastarfi, Manager,
State Labor Department
Industrial Commission
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Pastarfi:

We have your letter of 14 December 1946 requesting our opinion as to the propriety of two claims, numbered 63 and 64, the former being a claim involving travel expenses to the 13th National Conference on Labor Legislation, at Washington, D. C., and the latter a claim covering the expense of a telegram to secure hotel reservations in Washington.

In order to be assessable against a public fund, an expenditure must be for a public purpose, which is a purpose authorized by law. Gard v. Frohmiller, 55 Ariz. 292, 100 Pac. (2d) 197. The law to be followed includes any constitutional reference to the board or department's power, the general Act establishing the board or department, and any special reference in the general appropriation law for expenditures the legislature had in mind.

On examination of the pertinent section of the Appropriation law of 1945 (subsection 45), which is the only statutory reference to authorized expenditures by your department, we find no provision for travel expenses. In the absence of such authorization, we must hold to the above rule that such expenditures are not chargeables against the appropriation for your department. This applies to the telegram as well as the travel claim, because the telegram was ancillary to the claim for travel, and therefore must be regarded as being in the same category.

It is therefore our opinion that neither claim is an authorized expenditure and that therefore each was properly disallowed by the State Auditor.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

WILLIAM P. MAHONEY, Jr.,
Assistant Attorney General

46-1509

WPM-s

P.S. We enclose herewith a copy for your convenience in forwarding to Mrs. Frohmiller and return the claims submitted with your letter. WPM-s