

GARY K. NELSON, THE ATTORNEY GENERAL
STATE CAPITOL
PHOENIX, ARIZONA

August 18, 1970

DEPARTMENT OF LAW LETTER OPINION NO. 70-10-L (R-96)

REQUESTED BY: T. G. HAWKINS
Commissioner
Department of Finance

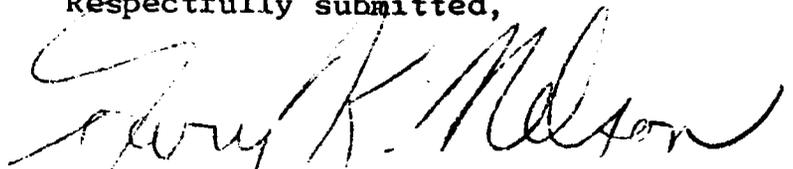
QUESTION: Does attendance at a convention in Las Vegas, Nevada, or any other out-of-state point which is less than 100 miles from the Arizona border entitle a public officer, deputy or employee attending that convention to claim per diem subsistence of \$30.00 per 24-hour day?

ANSWER: No.

A.R.S. § 38-626.B.3 clearly states that per diem subsistence allowance for travel performed entirely within an area not to exceed at any point 100 miles from the Arizona border, shall be at the rates provided for travel within the state. A.R.S. § 38-624 clearly sets \$20.00 per 24-hour day as the subsistence allowance which may be claimed for travel within the state. These sections are clear and unambiguous and, therefore, allow no room for interpretation. See 2 Sutherland, Statutory Construction, §§ 4502, 4703 (3d Ed. 1943).

It is, therefore, our opinion that attendance at a convention in Las Vegas, Nevada, or any other out-of-state point which is less than 100 miles from the Arizona border, only entitles the public officer, deputy or employee attending that convention to claim per diem subsistence allowance of \$20.00 per 24-hour day. This is probably a situation that should be brought to the attention of the Legislature for corrective legislation.

Respectfully submitted,



GARY K. NELSON
The Attorney General