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ARIZONA ATTORNEY GENERAL

August 25, 1953
Letter Opinion No. 53-95-L

Mr. Ray Killian, Secretary
Interstate Stream Commission
Heard Building
Phoenix, Arizona

- RE: 1. Under the Colorado River Boundary Commission Act, is the Chairman of the Interstate Stream Commission entitled to his pay while serving on the Boundary Commission?
2. Who handles processing and approval of expense claims under the Act?

Dear Mr. Killian:

Pursuant to your recent telephone conversation with Mr. Eversole of this office, we have considered Chapter 9, 21st Legislature, First Regular Session, together with Section 75-2205 Arizona Code Annotated, and have arrived at the following opinion:

- No. 1. That the Chairman of the Interstate Stream Commission is not entitled to his pay, as a member of the Stream Commission, while serving on the Boundary Commission.
- No. 2. Section 10-926, A.C.A. 1939, as amended, makes the following statement concerning who shall approve expense claims under our law:

"10-926. Presentation, approval and payment of claims.- * * * The claimant shall present an itemized claim, sworn to by him and approved by the head official of each office or state agency under which the obligation was incurred, or by some other person thereof, if expressly authorized to approve; then presented to the state auditor and, if approved by him, he shall draw his warrant therefor on the state treasurer, who shall pay the same when countersigned by the governor and only out of the appropriation made therefor. The head of each budget unit shall prepare and present payrolls to the state auditor. * * *"

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An examination of Section 75-2205 will disclose that a member of the Interstate Stream Commission shall be paid \$15.00 a day while actually serving on the Interstate Stream Commission. The Chairman of the Interstate Stream Commission will not be serving the Interstate Stream Commission during such times as he is serving on the Colorado River Boundary Commission, but is serving on the latter as a result of his position as Chairman of the Interstate Stream Commission. However, we might point out that Section One of the Act creating the Colorado River Boundary Commission provides that a member of the Boundary Commission can designate a member of his staff through which he can serve. Such designation shall be in writing for the purpose. It would appear that such a member of the staff so designated might continue to draw his salary from the Interstate Stream Commission during such time as he might be acting on behalf of the Chairman of the Interstate Stream Commission. In other words, the prohibition set up above would only apply to the Chairman of the Interstate Stream Commission arising out of the fact that he can only be paid during such times as he actually serves the Stream Commission.

In the light of the foregoing, it is the opinion of this office that the Colorado River Boundary Commission should either appoint one of its own members or authorize a specific agent to approve claims arising under the Act.

Whichever course the Commission sees fit to follow should be carried out by either resolution or motion and a certified copy of such action filed with the State Auditor.

If we might be of further help to you in this matter, please feel free to call upon us.

Yours very truly,

ROBERT W. PICKRELL
Assistant to the
Attorney General

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