



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN 11

GERALD C. MANN  
ATTORNEY GENERAL

Mr. F. E. Rightor, Secretary  
State Board of Registration  
for Professional Engineers  
Austin, Texas

Dear Sir:

Opinion No. 0-1365

Re: Is the secretary of the Board of  
Registration for Professional En-  
gineers entitled to both a salary and  
per diem?

Your request for an opinion on the above-stated  
question has been received by this department.

Section 3 of Article 5271a, Revised Civil Stat-  
utes, reads, in part, as follows:

"A State Board of Registration for Profes-  
sional Engineers is hereby created whose duty  
it shall be to administer the provisions of  
this Act. The Board shall consist of six (6)  
professional engineers, who shall be appointed  
by the Governor of the State, with the advice  
and consent of the Senate. \* \* \* "

Sections 5 and 7 of the above-mentioned stat-  
utes read as follows:

"Sec. 5. Each member of the Board shall  
receive the sum of Ten (\$10.00) Dollars per  
day for each day he is actually engaged in the  
duties of his office, including time spent in  
necessary travel, together with all legitimate  
expenses incurred in the performance of such  
duties. All per diem and expenses incurred  
hereunder shall be paid from the 'Profession-  
al Engineers' Fund' as provided in this law.  
No money shall ever be paid for the admin-  
istration of this Act from the General Funds

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"Sec.7. The Board shall hold a meeting within thirty (30) days after its members are first appointed, and thereafter shall hold at least two (2) regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually from its own membership the following officers: a Chairman, a Vice-Chairman, and a Secretary. A quorum of the Board shall consist of not less than four (4) members."

Section 9 of Article 3271a, reads as follows:

"The Secretary of the Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same weekly to the State Treasurer who shall keep such moneys in a separate fund to be known as the 'Professional Engineers' Fund'. Such fund shall be paid out only by warrant of the State Comptroller upon the State Treasurer, upon itemized vouchers, approved by the Chairman and attested by the Secretary of the Board. All moneys in the 'Professional Engineers' Fund' are hereby specifically appropriated for the use of the Board in the administration of this Act. The Secretary of the Board shall give a surety bond to the Governor of the State of Texas in the sum of Two Thousand Five Hundred (\$2,500.00) Dollars. The premium on said bond shall be paid out of the 'Professional Engineers' Fund'. The Secretary of the Board shall receive such salary as the Board shall determine in addition to the compensation and expenses provided for in this Act. The Board shall employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act. Under

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no circumstances shall the total amount of warrants issued by the State Comptroller in payment of the expenses and compensation provided for in this Act exceed the amount of the 'Professional Engineers' Fund'. Provided further, that the salaries paid herein shall not be in excess of salaries paid for similar work in other departments."

On November 30, 1937 this department held in opinion written by Hon. H. L. Williford, Assistant Attorney General, addressed to the Secretary of Texas State Board of Registration for Professional Engineers:

"That it is manifest that one member of the Board has the duties of Secretary of such Board ex officio, and the Act creating the Board of Registration, above referred to, provides for a per diem compensation for such member, for the expense of such member and for the salary of such member, all of which it was competent for the Legislature to prescribe and enact. Therefore, you are advised that you are entitled to both a salary and per diem compensation."

We concur with the above-mentioned opinion and believe that it correctly answers the question presented in your inquiry. Therefore, you are respectfully advised that the Secretary of the Texas State Board of Registration for Professional Engineers is entitled to both a salary and per diem compensation.

Trusting that the foregoing answers your inquiry, we remain

APPROVED SEP. 11, 1939  
(s) Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

WJF

AW:ob  
JCP

Yours very truly  
ATTORNEY GENERAL OF TEXAS

By (s)  
Ardell Williams  
Assistant

APPROVED:  
Opinion Committee  
By B.W.B., Chairman