



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Julian Montgomery
State Highway Engineer
Austin, Texas

Dear Sir:

Opinion No. O-1426
Re: Traveling expenses of State Highway
Engineer

By your letter of September 8, 1939, you ask this department whether, under Article 6669 of the Revised Civil Statutes, the State Highway Engineer would be entitled to receive all of his actual expenses incurred in the performance of his duties under the direction of the Highway Commission without regard to the limitation as to the amount to be spent per day, as set out in the General Rider appearing at the end of the Departmental Appropriation Bill.

Article 6669 provides for the election, by the Highway Commission, of a State Highway Engineer, and states that "He shall be allowed all actual traveling and other expenses therefor, under the direction of the Department, while absent from Austin in the performance of duty under the direction of the Commission."

The General Rider to the Departmental Appropriation Bill passed by the 46th Legislature provides in part as follows:

"All employees traveling at the expense of the State are hereby limited to the amount of Four (\$4.00) Dollars per day expenses for meals and lodging; ..."

This provision of the rider to the Departmental Appropriation Bill does not abrogate the right of the State Highway Engineer to be reimbursed for all actual traveling expenses, but merely constitutes an exercise of the legislative prerogative to determine the reasonableness of

Hon. Julian Montgomery, Page 2.

traveling expenses to be incurred by State employees in procuring meals and lodging. It was clearly within the province of the Legislature, in providing, by appropriation, funds for certain purposes, to attach such conditions to their expenditure. These restrictions upon the expenditure of funds provided for traveling expenses are applicable to the State Highway Engineer, and you are therefore advised he will not be entitled to receive traveling expenses incurred in the performance of his duties under the direction of the Highway Commission beyond and above the limitation placed upon the expenditure of funds for such purposes by the rider appended to the Departmental Appropriation Bill of the 46th Legislature.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild

R. W. Fairchild
Assistant

RWF:pbp



APPROVED SEP 14, 1939

Gerald Mann

ATTORNEY GENERAL OF TEXAS