



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

State Department of Education
Austin, Texas

Gentlemen: Att'n: Mr. T. E. Trimble, First
 Assistant State Superintendent.

Opinion No. O-1737
Re: Traveling expenses of State
 employees to conventions.

Your letter of November 23, 1939, requesting an
opinion from this department, reads as follows:

"Under the provisions of the rider of the
General Appropriations Bill of the Forty-sixth
Legislature occurs the following language:

"No moneys herein appropriated shall ever
be spent to pay the traveling expenses of any
State employee to any type of convention within
the State or without the State."

"It is our desire to know whether under the
said language quoted above traveling expenses may
be paid to employees of the State Department of
Education to attend the following meetings:

"1. An assembly called by the Legislative
Committee in charge of the approval and distri-
bution of funds appropriated under the Equaliza-
tion Act of H. B. No. 933;

"2. An assembly of Deputy State Superin-
tendents, called by the Chairman of said Legisla-
tive Committee in charge of the distribution of
rural aid, at times and places named by said Chair-
man to discuss equalization problems;

"3. An assembly of Deputy State Superin-
tendents and other employees of the State De-
partment of Education working in various sections

of the State called by the State Superintendent for instructions in regard to standardization, classification, accrediting of schools, and the distribution of the equalization fund; and

"4. An assembly of school officials, at which an employee of the State Department of Education is assigned to give instructions, to interpret departmental rules, regulations, and policies, and to discuss other matters of administration, pertaining to or directed by law."

Obviously it could not have been intended by the Legislature that the restriction against paying traveling expenses to conventions should apply to authorized meetings called by agencies of government for the purpose of accomplishing the functions of government imposed upon them. To apply such a construction would be to impute to the Legislature the intent to paralyze by indirection the administration of the very affairs of government for which appropriations were made at length in Senate Bill 427 of the 48th Legislature. We are impelled, therefore, to the conclusion that the Legislature used the word "convention" in its especial or popular, rather than its broad, significance, conveying the idea, generally, of a meeting of members or delegates of a private organization, party, club, society, or the like, for the accomplishment of some common object.

Applying the above definition to the situations presented by you, in their numerical order, we advise:

1. The traveling expense rider quoted in your letter does not prevent reimbursement for traveling expenses of a State employee, in the first situation presented by you.

2. The traveling expense rider quoted in your letter does not prevent reimbursement for traveling expenses incurred by a State employee, in the second situation presented by you.

3. The traveling expense rider quoted in your letter does not prevent reimbursement for traveling expenses incurred by a State employee, in the third situation presented by you.

4. In your fourth situation, sufficient details are not given us with regard to the nature of the assembly of school officials, to enable us to determine whether such assembly of school officials is a convention within the meaning of the traveling expense rider quoted, as construed by us above. You give in detail the work which the employee of the State Department of Education is assigned to perform at such assembly, but your attention is directed to the fact that, so far as the rider quoted above is concerned, the employee's right to reimbursement for traveling expenses depends, not upon the character of the work performed by him, but upon the nature of the meeting which he attends. From what we have stated above, in this opinion, you will doubtless be able to determine for yourself whether the assembly of school officials to which you refer is a "convention," within the meaning of the traveling expense rider quoted.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

by (signed)

R. W. Fairchild
Assistant

K:F:pbp

APPROVED DEC. 4, 1939

/s/ Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

(STAMP) APPROVED
OPINION
COMMITTEE
By BMB