



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

ATTORNEY GENERAL

AUSTIN 11, TEXAS

Hon. George H. Sheppard
Comptroller of Public
Accounts
Austin, Texas

Opinion No. 0-2340
Re: Traveling expenses--Senate
Bill 427, Acts 46th Legislature--
incurred in attending a convention.

Dear Sir:

By your letter of May 7, 1940, you ask the opinion of this department upon the question whether, under the facts disclosed by the documents enclosed in your letter, attendance upon the conference concerned violates the provisions of Senate Bill 427, Acts 46th Legislature, prohibiting the spending of moneys therein appropriated to pay the traveling expenses of any State employee to any type of convention within the State or without the State of Texas.

The facts disclosed by your letter are as follows:

On March 15, 1940, the Honorable George W. Cox, M.D., State Health Officer, requested that the Attorney General approve a trip by F. D. Brock, Director of the Bureau of Food and Drugs, to New Orleans, Louisiana, "for the purpose of discussing with officials of the United States Food and Drug Administration matters pertaining to the application of the new Federal Food, Drug and Cosmetic Act to Texas manufacturers and shippers of foods and drugs, and other matters coming under the jurisdiction of this Department," stating that Mr. Brock planned to leave on April 22nd, and be out of the State until April 27th.

On March 18, 1940, this department wrote the Honorable George W. Cox, replying to said letter of request, advising him that in the opinion of this department the trip to be made by F. D. Brock, as explained in Dr. Cox's letter of March 15th, was for State business purposes.

With your letter, you enclose a printed program. Examination of this program reveals the following facts:

The program is the Silver Anniversary Program, the Twenty-fifth Annual Conference of the Association of Food, Feed, Drug and Health Officials of the South Central States. The headquarters of the conference is the Hotel Monteleone, New Orleans, Louisiana. The program reveals that the conference was to be held on April 25, 26 and 27, 1940. It likewise discloses that the President of this

Hon. George H. Sheppard, page 2 (O-2340)

Association is, or was at that time, F. D. Brock. The program was evidently printed some time ahead of the date for the actual meeting of the Association, and evidently was distributed to the members of the Association, for the program contains the following statement on the second page thereof:

"Important! Members are urged to arrive promptly for the Opening Meeting April 25th. Important committee work will be taken up that night at 7:00 p.m."

The program reveals that, among the proceedings on Thursday, April 25, 1940, at 10:00 a.m., the meeting was called to order by President F. D. Brock; that the Special Order for 11:30 a.m. on that date was the President's address, by F.D. Brock of Austin, Texas; that the seventh item on the program for that date, following the noon recess and the reconvening of the Association at 2:00 p.m., was an address by F. D. Brock of Austin, Texas, on the Sanitation of Pecan Shelling Plants (from a State standpoint). The conference apparently adjourned somewhere about 12 noon on Saturday, April 27, 1940, after a business session involving election and the selection of the 1941 meeting place.

The rider appended to Senate Bill 427, Acts of the 46th Legislature, provides:

"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."

Said rider also provides, in the section on traveling expenses, that:

"Except as otherwise specifically exempted, the provisions of this act shall apply to department heads and members of commissions."

You are advised that in our opinion the Annual Conference of the Association of Food, Feed, Drug and Health Officials of the South Central States is a "convention," within the meaning of the provisions of Senate Bill 427, Acts of the 46th Legislature. See our opinions numbered O-1516, O-1737, copies of which have heretofore been furnished to you.

RWF:PBP:wb
APPROVED MAY 24, 1940
/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS
APPROVED: OPINION COMMITTEE
BY: BWB, Chairman

Yours very truly
ATTORNEY GENERAL OF TEXAS
By /s/ R.W. Fairchild
R. W. Fairchild, Assistant