



**THE ATTORNEY GENERAL  
OF TEXAS**

GERALD C. MANN  
~~XXXXXXXXXXXX~~  
ATTORNEY GENERAL

AUSTIN 11, TEXAS

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

Dear Sir:

Opinion No. 0-2457  
Re: Expense account of  
Dr. W. B. Veazy

In your letter of June 15, 1940, you request an opinion as to whether you are authorized to issue a warrant in payment of an expense account submitted by Dr. W. B. Veazy, an employee of the State Board and Department of Health. Such expenses were incurred by Dr. Veazy on a trip made outside the State of Texas. As advised in our letter to Dr. Cox on June 15, 1940, Dr. Veazy's trip was for State business purposes. However, your question arises out of the fact that no letter signed by the Attorney General advising that the purpose of the proposed trip was, in his opinion, for State business purposes, had been filed with the Comptroller prior to the making of the trip and incurring of the expenses.

The question is governed by the General Departmental Appropriation Bill, S. B. 427, 46th Leg., which contains the following provision in the general rider, viz:

"No traveling expenses shall be incurred by any employee of any of the departments, or other agencies of the Government, outside of the boundaries of the State of Texas, except for State business directly concerning his own department or agency and no such expenses shall be paid from State appropriations or out of any local or auxiliary funds by the State Comptroller to an employee of any agency of the Government, until and unless a written statement, signed by the Attorney General, advising that the purpose of the proposed trip, in his opinion, is for said State business purposes; which written opinion shall have been filed in advance with the State Comptroller, and signed duplicate thereof with the disbursing officer of such respective agency of the Government. This provision shall not apply to trips to Washington, D.C., made by the Attorney General's Department, whose business before the United States Supreme Court and certain Federal Commissions is mandatory, nor to the Adjutant General when appearing in Washington, D.C., before the War Department, nor to members or employees of the Railroad Com-

mission attending hearings, conferences, or oral arguments held in other States or Washington, D.C., and involving rates and/or transportation matters."

In respect to the question submitted, the above language quoted from S. B. 427 is plain and unambiguous. We note your statement that the argument is made to you that the word "advance," as used in the rider, means in advance of payment and not in advance of making the trip. However, the language of the Act is too clearly otherwise. It simply admits of no other construction than that out of State expenses must not be incurred until the written statement of the Attorney General has been obtained and filed with the Comptroller advising that the purpose of the proposed trip is for State business purposes. It is unfortunate that the claimant did not obtain the statement before making the trip, but you have no alternative. The warrant cannot legally issue.

Yours very truly

ATTORNEY GENERAL OF TEXAS

s/ Glenn R. Lewis

By

Glenn R. Lewis  
Assistant

GRL:BBB

APPROVED JUNE 21, 1940  
s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee  
By BWB Chairman