



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable A. H. Dunlap, Member
Board of Water Engineers
Austin, Texas

Dear Sir:

Opinion No. 0-4928

Re: Whether the appropriation made in House Bill No. 739 relating to the Pecos River Compact insofar as it applies to traveling expenses is controlled by the limitations as to traveling expenses contained in the rider to the Departmental Appropriation Bill, S. B. 423, Acts 47th Leg.

We have your letter of October 10th requesting our opinion as to whether or not the provisions of Subsection (12)d and (12)g of Section 2 of the Departmental Appropriation Bill, being Senate Bill No. 423, Chapter 571, Acts Regular Session, 1941, 47th Legislature applies to traveling expenses incurred by the Pecos River Compact Commissioner and payable out of the special appropriation made by the Legislature in House Bill No. 739, Chapter 632, Acts 1941, Regular Session, 47th Legislature.

Subsection (12)d of Section 2 of S. B. 423, the Departmental Appropriation Bill, requires the approval in advance by the Attorney General of any out-of-state trips by state employees. Subsection (12)g limits the traveling expenses of state employees to \$4.00 per day for meals and lodging and requires the itemization of such expenses.

No such limitations are placed upon the moneys appropriated by House Bill No. 739. Section 6 of said Act reads as follows:

*Section 6. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Thirty Thousand Dollars (\$30,000.00), for the purpose of carrying out the

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provisions of this Act. Said money shall be paid out on sworn accounts approved by the Attorney General and shall be paid out of the State Treasury on warrants of the Comptroller as under General Laws."

It is our opinion that the limitations upon traveling expenses contained in the rider to Senate Bill No. 423 apply only to the appropriations made by said bill; consequently they do not apply to the appropriation made by House Bill No. 739.

In this connection we call your attention however, to Article 6823, Revised Civil Statutes of Texas, 1925, as amended by Chapter 218, page 372, Acts 1931, 42nd Legislature, which reads as follows:

"The traveling and other necessary expenses incurred by the various officers, assistants, deputies, clerks and other employees in the various departments, institutions, boards, commissions or other subdivisions of the State Government, in the active discharge of their duties shall be such as are specifically fixed and appropriated by the Legislature in the general appropriation bills providing for the expenses of the State Government from year to year. When appropriations for traveling expenses are made any allowances or payments to officials or employees for the use of privately owned automobiles shall be on a basis of actual mileage traveled for each trip or all trips covered by the expense accounts submitted for payment or allowance from such appropriations, and such payment or allowance shall be made at a rate not to exceed five (5¢) cents for each mile actually traveled, and no additional expense incident to the operation of such automobile shall be allowed."

We do not believe that the first sentence of this statute purports to incorporate by reference the limitations upon traveling expenses which may be contained in the Departmental Appropriation Bill or any other general appropriation bill into other appropriations wherein such limitations are not expressly contained. We do believe however that the limitation of 5 cents per mile for the use of privately owned

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automobiles applies generally as a limitation upon all traveling expenses irrespective of whether such a limitation is expressly contained in the particular appropriation bill.

Trusting that the foregoing answers your inquiry,
we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Walter R. Koch*
Walter R. Koch
Assistant

WRK:JP

APPROVED OCT 24, 1942

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

