



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable R. L. Thomas
Chairman, Board of Regents
State Teachers Colleges
Dallas National Bank
Dallas, Texas

Dear Sir:

Opinion No. 0-6528
Re: Allowance of per diem
for members of Board of
Regents of State Teacher
Colleges.

Your request for opinion has been received and carefully considered by this department. We quote from your request as follows:

"I want to submit to you, for an opinion, the question of the allowance of a per diem while serving in an official capacity representing the Board of Regents of our State Teachers Colleges. The specific case to which I direct your attention is as follows:

"Dr. Paul Boynton, President of Stephen F. Austin College at Nacogdoches, received a telegram inviting him to appear before a sub-committee of the Agricultural Appropriations Committee of the United States Senate. Dr. Boynton could not fill this engagement due to a previous appointment, and due to the fact that it involved an appropriation of \$30,000.00 to establish a forestry experimental station at Stephen F. Austin College, he phoned to request that I make this hurried trip to Washington, as President of our Board of Regents.

"I acquiesced, in spite of the fact that previous engagements had to be cancelled, and I am glad to report that subsequently this appropriation was made by our United States Congress, which will help in the rehabilitation of tens of

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thousands of acres of our East Texas lands made useless through soil erosion.

"When my expense account was turned in, our Secretary, Mr. H. A. Turner, included \$5.00 per diem for nine days, which heretofore has been allowed when we were acting in an official capacity. As you know, Judge Sellers, even including this small item, you always travel at a loss, and while it makes no difference to me personally whether this is included, I would like to know for the benefit of our Board members under what circumstances the per diem may be included in an expense account.

"My reason for bringing this to your attention is that my good friend, Comptroller George H. Shepherd, does not believe the per diem is applicable except in attendance at regular board meetings. Mr. J. H. Wisely, Auditor of Stephen F. Austin College, who wrote me about this, stated that this is the first occasion that the per diem of a board member on official business had been questioned in his 22 years with the college."

Section 6 of Article 2647, Vernon's Annotated Texas Civil Statutes, referring to the Board of Regents of the State Teachers Colleges of this State, provides as follows:

"The board shall meet each year at Austin, on the first Monday in May, or as soon thereafter as practicable, for the transaction of business pertaining to the affairs of the State normal schools, and at such other times and places as a majority of the members of the board deem necessary for the welfare of said colleges. Each and every member of said board shall receive five dollars per day for the time spent attending the meetings provided for in this law, and in addition thereto the amount of their traveling expenses, said compensation to be paid to the several members of the board out of the appropriation for the support and maintenance of the said State Teachers' Colleges as the board may direct."

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Opinion No. O-475 of this department holds that while a member of the State Board of Education under the facts stated was entitled to be reimbursed for expenses incurred in making a trip to Washington on State business, such member would not be in actual attendance upon Board meetings and would not be entitled to a per diem for each day he was engaged in making the trip. We enclose herewith for your information a copy of said opinion.

It is our opinion that per diem compensation is not legally allowable in the instance stated in your letter as same was not attendance at a board meeting. It is our opinion that the \$5.00 per diem is allowable for the Board meetings provided for by Section 6 of Article 2647, supra.

Yours very truly

APPROVED JUN 8, 1945

ATTORNEY GENERAL OF TEXAS

George R. Sullivan
ATTORNEY GENERAL OF TEXAS

By

Wm. J. Fanning
Wm. J. Fanning
Assistant

WJF:BT

