



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

January 5, 1956

Dr. L. K. Griffin, D. C., President
Texas Board of Chiropractic Examiners
Perry-Brooks Building
Austin, Texas

Letter Opinion No. MS-251

Re: May members of the Texas Board of Chiropractic Examiners receive per diem and travel expense while attending official meetings of committees of the Board, and may the Secretary of the Board receive per diem for work done after board meetings.

Dear Dr. Griffin:

You have requested our opinion on the following question

"May our committees be paid for their per diem, plus travel expense, covering their meetings?"

You explain that your nine member board has organized into three committees of three members each.

The law under which your Board operates (Article 4512b, Vernon's Civil Statutes), provides in Section 3(a) thereof that five (5) members of the Board shall constitute a quorum.

Section 11 of Article III of Chapter 519, Acts of the 54th Legislature, 1955, at page 1534, provides:

"Sec. 11. Appropriations made in this Article for per diem payments may be expended only for the services of members of State Boards and Commissions rendered in traveling to and from and attending official meetings of such Boards and Commissions at which a quorum is present."

Since the per diem appropriation for your Board is made in this Article, this restriction must be observed. It is, therefore, our opinion that per diem cannot be paid your committee

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members for their meetings out of such appropriation. Travel expense is not so limited and can be paid.

Your second question pertains to work of your Secretary:

"Can he be paid his per diem for the work which is not done in official meetings where a quorum is present?"

You informed me by phone December 8, 1955, that the Secretary referred to in your second question is neither the Executive Secretary nor the Secretary-Bookkeeper listed in the Appropriation Act, but is a member of the Board.

The answer to the second question is that he cannot be paid such per diem.

Yours very truly,

JOHN BEN SHEPPERD
ATTORNEY GENERAL OF TEXAS

By
Horace Wimberly
Assistant Attorney General

HW/rt

APPROVED:

J. C. DAVIS, JR.
COUNTY AFFAIRS DIVISION

MARY K. WALL
REVIEWER

JOHN ATCHISON
REVIEWER

DAVIS GRANT
FIRST ASSISTANT

JOHN BEN SHEPPERD
ATTORNEY GENERAL