



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL.

April 9, 1956

Honorable Robert S. Calvert
Comptroller of Public Accounts
Capitol Station
Austin, Texas

Opinion No. S-193

Re: Authorization of travel
by employees of the
University of Texas and
Texas Agricultural and
Mechanical College System.

Dear Mr. Calvert:

You have requested an opinion concerning the authorization of travel of employees of the University of Texas and the Agricultural & Mechanical College System. Your specific question is "who should approve traveling expense accounts for in state travel for the following branches of the University of Texas and A. & M. College" (naming the individual branches).

Section 13 of Article VI of House Bill 140, Acts of the 54th Legislature, Chapter 519, page 1348, at page 1591, provides:

"Travel by officers and employees of agencies of higher education. No official travel expense shall be incurred by members of governing boards, executive and administrative heads, or by any employee, of State agencies of higher education, inside or outside of the boundaries of Texas, except for official business as approved by the appropriate governing board or the executive head. Official business shall include the formal presentation of original researches by an employee, if before a national, regional, or State learned society approved in advance by the executive head of the agency of higher education. No official travel shall be performed by such members, heads, and employees, outside of State for any purpose except with the approval of the appropriate governing board."

The governing board of the University of Texas is the Board of Regents. The governing board of the Texas Agricultural & Mechanical College System is the Board of Directors of Texas Agricultural & Mechanical College. Articles 2584, 2610,

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Vernon's Civil Statutes.

In Attorney General's Opinion O-877 (1939) a similar question was decided concerning the General Appropriation Act of the 45th Legislature, 1937. In that opinion it was held:

"Technically it is true that the Medical Branch of the University of Texas is only a branch of such University but it will be seen from the foregoing that such Medical Branch had its origin in a manner consistent with consideration as a separate institution. Furthermore, we believe that it is commonly looked upon as an institution within itself.

"Considering all of the above facts, the manner in which the Medical Branch originated, its location separate and apart from the Main University, the manner in which the appropriation for the Medical Branch was set up in the appropriation bill for the current biennium, the duties of the Dean of the Medical Branch and the light in which the Medical School is generally looked upon, we believe that it was the intention of the Legislature that the Dean of the Medical Branch should be considered as the head of an institution within the meaning of said Subsection 6 and our answer to your question, therefore, is in the affirmative."

Subsequent to this opinion your office has followed the interpretation of the riders to the General Appropriation Act in accordance with the views therein expressed and the Legislature, although it has met many times, has not made any substantial change. Therefore, such departmental construction should be followed unless it is clearly erroneous. Federal Crude Oil Co. v. Yount Lee Oil Co., 122 Tex. 21, 52 S.W.2d 56 (1932); Isbell v. Gulf Union Oil Co., 147 Tex. 6, 209 S.W.2d 762 (1948).

Technically, the phrase "appropriate governing board or the executive head" may refer to the Board of Regents of the University of Texas, the Board of Directors of Texas Agricultural & Mechanical College, the President of the University of Texas and the Chancellor of Texas Agricultural & Mechanical College System. However, in view of the legislative history of similar riders in Appropriation Acts, the departmental construction of these Acts and our previous opinion, it is our opinion that the Legislature intended to refer to the head of the

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various branches of the institutions set out in your request as designated in the Appropriation Act and orders of the governing boards of the University of Texas and Texas Agricultural & Mechanical College.

You are, therefore, advised that the traveling expense accounts may be approved by the heads of the individual branches of the University of Texas and Texas Agricultural & Mechanical College System.

SUMMARY

The heads of the various individual branches of the University of Texas and Texas Agricultural & Mechanical College System, as set out in the General Appropriation Act, may approve traveling expense accounts for in state travel in compliance with the provisions of Section 13, Article VI, of House Bill 140, Acts of the 54th Legislature, Chapter 519, page 1348.

Yours very truly,

APPROVED:

J. C. DAVIS, JR.
County Affairs Division

MARY K. WALL
Reviewer

J. A. AMIS, JR.
Reviewer

L. W. GRAY
Special Reviewer

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