



**THE ATTORNEY GENERAL  
OF TEXAS**

AUSTIN, TEXAS 78711

WAGGONER CARR  
ATTORNEY GENERAL

August 17, 1965

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

Opinion No. C-486

Re: Calculation of per diem  
under Section 15(a) of  
Article V, House Bill 12,  
Acts 59th Legislature,  
1965, where an employee  
leaves Austin at 8:30 a.m.,  
travels to Dallas, secures  
lodging and returns to  
Austin the following day  
at 5:00 p.m.

Dear Mr. Calvert:

You have requested an opinion from this office upon  
the question of:

" . . . what per diem, in your opinion, a  
State employee would be entitled to for each  
day of a trip made on a quarterly basis under  
the following conditions:

"An employee leaves Austin at 8:30 a.m.,  
travels to Dallas, secures lodging, and returns  
to Austin on the following day at 5 p.m."

Section 15(a) of Article V of House Bill 12, Acts 59th  
Legislature, 1965, Regular Session, the General Appropriation  
Bill, provides in part that:

"Rate of allowance. Each employee traveling  
on State business inside the boundaries of the  
State of Texas shall be allowed, in lieu of actual  
expenses incurred for meals and lodging, a flat  
per diem rate of not to exceed twelve dollars  
(\$12) provided there is attached to his expense  
account when submitted a "Paid" bill or receipt  
from a commercial hotel, motel, or other commercial  
lodging establishment for his lodging, but pro-  
vided further that if such receipt is not submitted,  
the flat per diem rate shall not exceed seven  
dollars (\$7)."

Section 15(b) of Article V of House Bill 12 provides that:

"Day defined. In computing the rates of per diem allowance in lieu of subsistence for continuous travel of more than twenty-four (24) hours, the calendar day (midnight to midnight) will be the unit, and for fractional parts of a day at the commencement or ending of such continuous travel, constituting a travel period, one-fourth ( $1/4$ ) of the rate for a calendar day will be allowed for each period of six (6) hours or fraction thereof. A fraction of a per diem period is defined to be two (2) hours or more. The four (4) parts of the calendar day for in or out of state travel shall be as follows, (1) 12:01 a.m. to 6:00 a.m. (2) 6:01 a.m. to 12:00 a.m. (3) 12:01 p.m. to 6:00 p.m. (4) 6:01 p.m. to 12:00 p.m."

Under the facts submitted to us in your opinion request, a State employee leaving Austin, Texas, at 8:30 a.m. for Dallas, Texas, and returning to Austin, Texas, at 5:30 p.m. on the following day would be entitled to be reimbursed, pursuant to Section 15(b) of Article V of House Bill 12, for three (3) quarters in the calendar day in which he departed for Dallas and for three (3) quarters in the following calendar day upon which he returned to Austin from Dallas.

Pursuant to the provisions of Section 15(a) of Article V of House Bill 12, we are of the opinion that if such employee attached to his expense account, when submitted, a "paid" bill or receipt from a commercial hotel, motel or other commercial lodging establishment for his lodgings on the night he was required to spend away from Austin, Texas, such employee would be entitled to receive the sum of Three Dollars (\$3.00) for each of the three (3) quarters he was away from his designated headquarters on the calendar day of his departure from Austin and the sum of Three Dollars (\$3.00) for each of the three (3) quarters he was away from his designated headquarters on the calendar day of his return to Austin. However, if such employee fails to attach to his expense account, when submitted, a "paid" bill or receipt from a commercial hotel, motel or other commercial lodging establishment for his lodgings on the night he was required to spend away from Austin, Texas, such employee would only be entitled to receive the sum of One Dollar and Seventy-five Cents (\$1.75) for each of the three (3) quarters he was away from his designated headquarters on the calendar day of his departure from

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Austin, and the sum of One Dollar and Seventy-five Cents (\$1.75) for each of the three (3) quarters he was away from his designated headquarters on the calendar day of his return to Austin.

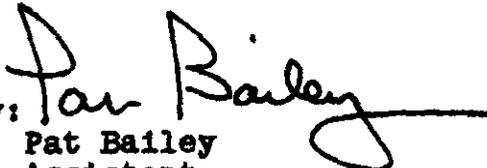
In connection with the foregoing, we are of the opinion that in the event a State employee is required to travel from his designated headquarters and remain either overnight or for several nights, then in such event, such employee would be entitled to a per diem reimbursement, pursuant to Section 15(a) and Section 15(b) of Article V of House Bill 12, at the rate of Three Dollars (\$3.00) per quarter for each quarter he is away from his designated headquarters, provided that such employee submits with his expense account a "paid" bill or receipt from the commercial hotel, motel or other commercial lodging establishment where he obtained lodging for each of the nights he was required to be away from his designated headquarters.

#### S U M M A R Y

A State employee required to travel from his designated headquarters and remain overnight would be entitled to a per diem reimbursement, pursuant to Section 15(a) and Section 15(b) of Article V of House Bill 12, Acts 59th Legislature, 1965, the General Appropriation Bill, at the rate of Three Dollars (\$3.00) per quarter for each quarter he is away from his designated headquarters, provided that such employee submits with his expense account a "paid" bill or receipt from the commercial hotel, motel or other commercial lodging establishment where he obtained his lodging.

Very truly yours,

WAGGONER CARR  
Attorney General

By:   
Pat Bailey  
Assistant

PB:mkh

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APPROVED:  
OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL  
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