



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**CRAWFORD C. MARTIN
ATTORNEY GENERAL**

January 26, 1972

Honorable Glenn E. Garrett
Executive Director
Good Neighbor Commission
Sam Houston State Office Bldg.
Box 12007
Austin, Texas 78711

Opinion No. M-1053

Re: Use of private airplane
by members of the Good
Neighbor Commission on
official business outside
of the State of Texas and
reimbursement therefor.

Dear Hon. Garrett:

In your letter of recent date, you have requested our opinion concerning the question of whether members of the Good Neighbor Commission, on official business outside of the State of Texas, may be reimbursed for use of their private airplane while on such travel.

It is our opinion that Article V, Sec. 12a, of the current Appropriation Act, Senate Bill No. 11, Regular Session, as amended by Senate Bill No. 7, first call session, 62nd Legislature, 1971, does not allow this reimbursement.

In Attorney General's Opinion M-1006 (1971) we concluded that members of the Legislature, when traveling on official business outside of the State, were allowed this reimbursement when traveling on official business in accordance with the exceptions listed in Sec. 15 of the current Appropriation Act. In Attorney General's Opinion M-1020 (1971) we held that individuals included within the exception provided in Sec. 15 were entitled to their actual cost of commercial transportation including air transportation. We do not find any provision for use or reimbursement for private airplane travel outside the State by members of your agency. The authority for in-state use of private airplanes by members of the Good Neighbor Commission is allowed by the third paragraph of Sec. 12a,

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Article V of the Act which reads as follows:

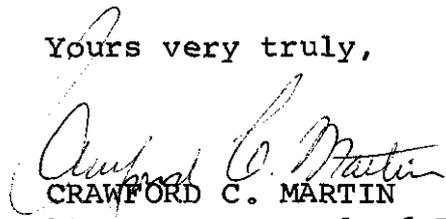
"The rate of reimbursement to executive heads and key officials including members of the Legislature for travel in their personally owned airplanes within the boundaries of the State of Texas and between points of necessary official business shall be sixteen cents (16) per highway mile. The rate of reimbursement for other state employees for travel in their personally owned airplanes within the boundaries of the State of Texas and between points of necessary official business shall be ten cents (10) per highway mile."

This cannot be extended to out-of-state travel, except as to members of the Legislature who qualify under Section 15c of Article V of the current Appropriation Act.

S U M M A R Y

Neither Article V, Sec. 12a, nor Sec. 15, Senate Bill No. 11, Regular Session, as amended by Senate Bill No. 7, first call session, 62nd Legislature, 1971, the current Appropriation Act, authorize the reimbursement to members of the Good Neighbor Commission for use of their private airplane on official business outside the State of Texas.

Yours very truly,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Melvin E. Corley
Assistant Attorney General

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APPROVED:
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