



**THE ATTORNEY GENERAL  
OF TEXAS**

November 1, 1990

**JIM MATTOX  
ATTORNEY GENERAL**

Mr. Bryan M. Perot  
Executive Officer  
Polygraph Examiners Board  
5805 North Lamar  
P. O. Box 4087  
Austin, Texas 78773-0001

LO-90-86

Dear Mr. Perot:

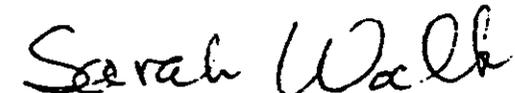
You ask whether the Polygraph Examiners Board may allow its Executive Director and its investigator to maintain their peace officer licenses by meeting the continuing education requirements during their working hours. You also ask whether the board may pay the employees' travel expenses incurred for that purpose.

As you state, the board's enabling act illustrates the link between law enforcement and the board in that the act requires that two members of the board be "qualified examiners of a governmental law enforcement agency, one of which shall be the supervisor of the polygraph section of the Department of Public Safety." V.T.C.S. art. 4413(29cc), § 5(a).

We find no provisions of the board's enabling act or the General Appropriations Act that expressly prohibit such a practice. This office, in the past, has issued numerous opinions on the expenditure of state monies for educational or training expenses for state employees. The use of an employee's working hours is equivalent to the expenditure of state funds. The rule was most recently reiterated in Attorney General Opinion JM-1063 (1989) in regard to the payment of an employee's temporary attorney tax. In that opinion, this office concluded that "if the responsible agency authority determines that the agency will receive adequate return on such expenditures, that is, that such expenditures would be directly and substantially related to the agency's governmental function, the fees may be paid by the agency." Attorney General Opinion JM-1063 (1989) at 3-4; see also, Attorney General Opinions JM-785 (1987); MW-251 (1980); MW-116 (1979); C-761, C-671 (1966).

Your second question, regarding the payment of travel expenses, is basically subject to the same test. Subdivision 3 of section 13, article V, of the current General Appropriations Act allows payment of travel expenses "only when the purposes of the travel clearly involve official state business [and] are consistent with the legal responsibilities of the state agency represented." If the agency determines that the attendance of certain employees at the training sessions is "directly and substantially related to the agency's governmental function," then it follows that the "purposes of the travel clearly involve official state business" and "are consistent with the legal responsibilities of the state agency."

Very truly yours,



Sarah Woelk, Chief  
Letter Opinion section  
Opinion Committee

SW/PR/er

APPROVED: Rick Gilpin, Chairman  
Opinion Committee

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