



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 10, 1997

Mr. Jim Loyd
Director of Program Planning
Texas Health Care Information Council
4900 North Lamar, OOL-3407
Austin, Texas 78751-2399

Letter Opinion No. 97-110

Re: Reimbursement of transportation expenses
for a member of the Health Care Information
Council (ID# 39612)

Dear Mr. Loyd:

You have requested our opinion regarding the reimbursement of transportation expenses for a member of the Health Care Information Council, (the "council").

Section 108.003(h) of the Health and Safety Code provides:

(h) A member of the council may not receive compensation for service on the council. However, the member shall be reimbursed for the member's actual and necessary meals, lodging, transportation, and incidental expenses if incurred while performing council business.

Section 2171.056(b) of the Government Code provides:

(b) Except as provided by commission rule, a state agency may not:

(1) purchase commercial airline or rental car transportation if the amount of the purchase exceeds the amount of the central travel office's contracted fares or rates; or

(2) reimburse a person for the purchase of commercial airline or rental car transportation for the amount that exceeds the amount of the central travel office's contracted fares or rates.

You ask whether a council member's reimbursement for costs of "actual and necessary [commercial airline and rental car] transportation" is limited to the amount of the "central [travel] office's contracted fares or rates."

Section 108.003(h) was enacted in 1995. Act of May 25, 1995, 74th Leg., R.S., ch. 726 § 1, 1995 Tex. Gen. Laws 3824, 3825-26. Section 2171.056(b), formerly section 14.02(d) of article 601b, V.T.C.S., was enacted in 1993. Act of May 30, 1993, 73d Leg., R.S., ch. 906, § 3.03, 1993 Tex. Gen. Laws 3811, 3828. The bill analysis for the latter provision states that it will "prohibit[] state agencies from excessive purchase and reimbursement rates." House Comm. on State Affairs,

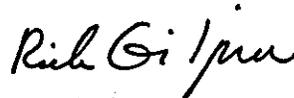
Bill Analysis, S.B. 381, 73d Leg., R.S (1993). It is clear that the purpose of section 2171.056(b) is to establish a uniform maximum limit on airline and rental car expenses for the executive branch of government.

In our opinion, these two provisions may easily be harmonized by reading "actual and necessary . . . transportation . . . expenses" in section 108.003(h) as limited by the maximum rate established by section 2171.056(b). Nothing in the legislative history of House Bill 1048, which created the council, indicates that it was intended to be exempt from that limitation. We hold, therefore, that the reimbursement of transportation expenses for a member of the Health Care Information Council is limited to "the amount of the central travel office's contracted fares or rates." Gov't Code § 2171.056(b).

S U M M A R Y

Reimbursement of transportation expenses for a member of the Health Care Information Council is limited to "the amount of the central travel office's contracted fares or rates," as provided by section 2171.056(b) of the Government Code.

Yours very truly,



Rick Gilpin
Deputy Chief
Opinion Committee