

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Mr. E. L. Angell, Assistant to  
the President, A & M College,  
College Station, Texas

Dear Mr. Angell:

Opinion No. O-4267

Re: Are the teachers and heads of  
various departments in A. & M.  
College entitled to expenses  
when attending meetings or  
gatherings in connection with  
and in line with their duties?

This is in reply to your letter of December 10, 1941,  
which reads as follows:

"I should like to get an opinion on whether A. & M.  
College can legally allow travel expense on the following cases:

- "1. Professor of Municipal and Sanitary Engineering to go to Austin to attend a meeting of the Texas Public Health Association to confer with this group concerning the problems dealing with sanitary practices in Texas.

The Texas Public Health Association is an organization made up of medical health officers, public health nurses, sanitarians, and sanitary inspectors. Its purposes are: to improve the public health by increasing the efficiency of health workers employed by the cities, counties and the state; to disseminate health information among the general public and governmental officials; to conduct and encourage research projects in public health. It accomplishes these aims principally by means of an annual meeting at which the principal business is the holding of committee meetings in which new procedures and new projects are discussed and past accomplishments are reviewed.

In the Department of Municipal and Sanitary Engineering we have a number of teachers who are experts in this field, and it is felt that since the Texas Public Health Association is public in character and its meetings are for the general welfare of the people of Texas that we should allow expense for an expert to assist them in their work.

- "2. Dean of the School of Arts and Sciences to attend the Texas Personnel Conference at the University of Texas,

The Texas Personnel Conference is conducted under the auspices of the University of Texas. Its membership includes representatives of Schools of Engineering, Business Administration, Education and personnel officers from Texas industries. Its purpose is the cultivation of better relations between these schools and the employers of their graduates, with particular reference to the functions of the schools in preparing trained workers of various sorts.

- "3. Professor of the Department of Animal Husbandry to attend meeting of sheep and goat raisers at Del Rio, Texas, for the purpose of assisting these men in some of their problems and to gain from them knowledge of the current needs from this group so that instruction at A. & M. College can be of more practical benefit to this industry.

The specialists who are employed as teachers in this department can be of great benefit to the sheep and goat raisers by conferring with them at their meetings and at the same time this contact with the current problems of this group will make it possible to keep the materials in the course of study practical and timely.

If a function of the state is to foster industry and agriculture, then should A. & M. pay expenses of its experts to assist, as above requested?

- "4. Dean of the School of Agriculture to go to Luling and San Antonio for a conference with the officials of the Luling Foundation and with leaders of the cattle industry on problems relating to the field of instruction, so that A. & M. can better serve the agricultural and live-stock industry of the state.
- "5. The Dean of the School of Engineering to go to New York City to attend National Meeting of the American Society of Mechanical Engineers for the purpose of conferring with members of that group to find an outstanding man to take the position as Head of the Department of Industrial Engineering at the A. & M. College.

The membership in the American Society of Mechanical Engineers is made up of mechanical engineers from industry and teachers of Mechanical Engineering from colleges.

The Dean of the School of Engineering would have an opportunity to interview a great number of men who are leaders in this field and secure a better man for this position than if he attempted to employ him through correspondence alone.

- "6. Professor of the Department of Horticulture to go to Dallas, Texas, to assist in supervising the A. & M. College exhibit for the meeting of the American Association for the Advancement of Science.

The American Association for the Advancement of Science includes in its membership some 25,000 members, which number embraces outstanding scientists of the United States. The Board of Directors of the A. & M. College has made an appropriation for the College to have an exhibit at this meeting, and it is necessary that some members of the College staff assist in setting up the exhibit and supervising such an exhibit during the time of the meeting."

We attach hereto a copy of our Opinion No. O-1973, addressed to Honorable Clifford B. Jones, President of Texas Technological College, and our Opinion No. O-2084, addressed to Honorable Homer P. Rainey, President of the University of Texas, which discuss and outline the conditions under which expenses may be paid in attending gatherings such as those mentioned in your letter.

Subsection 6 of the general provisions contained in the Educational Appropriation Bill, as passed by the Legislature in 1941, reads in part as follows:

"No traveling expenses shall be incurred by board members, heads of institutions, or by any employee of any of the schools, or other agencies named herein, inside or outside of the boundaries of the State of Texas, except for State business, and no travel shall be performed outside the State except upon the advanced written consent of the school's Board of Regents or Directors."

As to what is "State business", within the contemplation of said Appropriation Bill, is left largely to the discretion of the local boards in control of the various educational institutions. These questions must primarily be determined by the governing bodies of said institutions. This Department has expressed its view relative thereto in the opinions, copies of which are hereto attached, and nothing new can be added.

It is our opinion that each of the six proposed trips can be classed as "State business", and if the Managing Board of A.&M. College decides that each or all of said proposed trips are "State business", then the traveling expenses referred to in your letter can legally be paid.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Geo. W. Barcus  
Geo. W. Barcus  
Assistant

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APPROVED FEB 2, 1942  
s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman