



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Paul C. Myers, D. C.,
Executive Secretary,
State Board of Chiropractic Examiners,
Austin, Texas

Dear Mr. Myers:

Opinion No. 0-578

Re: Travelling expenses of members
of Board of Chiropractic Exam-
iners.

We have your letter of the 5th instant, requesting
the opinion of this Department upon the following questions:

1. Which controls the amount of travelling
expense to be paid members of your Board, Sec-
tion 2 of H. B. 20, 48th Legislature, or Arti-
cle 6823, R. C. S.?

2. Are members of the Board of Chiroprac-
tic Examiners entitled to be reimbursed out of
the Chiropractic Fund for meals, room, and other
travelling expense in addition to mileage charge?

H. B. No. 20 was passed by the 48th Legislature
and became effective as a law ninety days after its ad-
journment. Section 2 thereof provides in part:

"Within ten days after the close of every
meeting of the Board the Executive Secretary
shall turn over to the State Treasurer all sums

of money belonging to the Board. The Treasurer shall keep the same in a separate fund to be used in paying the necessary expenses of the Board, which may include expenses incurred for the advancement and education of all licensees under this Act and enforcement by the Board of the provisions of this Act, the salary of the Executive Secretary, and a per diem of Ten Dollars to each member of the Board for such time as is actually spent in the discharge of official duties, plus travelling expenses of Ten Cents per mile."

Article 6323 was a part of the Revised Civil Statutes of 1925. As amended in 1931, it provides in part a maximum of five cents per mile for the use of privately owned automobiles by State officials or employees in the discharge of their duties.

Article 6323 is a general statute. H. B. No. 20 is a later enactment and covers a special subject matter. H. B. No. 20, rather than Article 6323, therefore, governs the amount of travelling expense to be paid to members of your Board.

Your second question is answered in the negative. Expenditures for meals, room and other like items are personal expense, only allowable in any event when an officer or employee is away from his home, or the place where he is permanently stationed, in the discharge of business for the State and then only when so provided by law. Such items are commonly termed "travelling expenses." The Legislature has specifically provided that the members of the Board shall be entitled to "travelling expenses of ten cents per mile." This represents the full measure of compensation allowed by law to such officers "for their trouble and expenses in travelling on public business." (See "mileage", Bouvier's Law Dict.) See Christopherson v. Stanton, Clerk of Court, (Utah) 44 Pac. 648.

Very truly yours

ATTORNEY GENERAL OF TEXAS

Green Miller By

R. W. Fairchild

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Assistant

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