



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

January 14, 1947

Hon. Marshall Harvey, Secretary-Treasurer
Texas State Board of Chiropractic Examiners
1109 Avenue K
Lubbock, Texas

Opinion No. V-16

Re: Whether members of the
Texas State Board of
Chiropractic Examiners are
entitled to compensation
for time taken in travel
to and from Board meet-
ings, under the provis-
ions of Article 4574, Chir-
opody Practice Act.

Dear Mr. Harvey:

Your request for an opinion dated January 4,
1947, is in substance as follows:

"The question has arisen among mem-
bers of this Board a number of times as to
whether Board members are entitled to com-
pensation for time taken in travel to and
from Board meetings.

"In cases of most members of this
Board it requires a day or the greater part
thereof, to travel to and from such meet-
ings. Under Article 4574, Chiropractic Prac-
tice Act of Texas provision is made for com-
pensation and expenses while actually en-
gaged in the service of the Board. Would
travel to and from be considered 'actually
engaged in the service of the Board'?

Article 4574 of the Revised Civil Statutes of
the State of Texas provides as follows:

"Each member of the Board shall re-
ceive for his services Ten (\$10.00) Dollars
per day and necessary traveling and inci-
dental expenses while actually engaged in
the service of the Board. The Secretary
shall receive his necessary expenses for

Hon. Marshall Harvey - Page 2

services actually performed for the Board, for printing, postage and other expenses necessarily incurred in administering this law shall be paid from the fees received by the Board and all expenses shall be itemized, verified, audited and an account kept thereof by the Secretary of the Board who shall pay the same out of said fees which accrue to it."

Since the statute under consideration provides that the expenses incurred in administering the law shall be paid from the fees received by the Board, your question must be decided on the basis of whether the expense incurred is an authorized one within the purview of the statute.

It will be observed from the above statute that the Legislature intended that each member of the Board shall be entitled to "necessary traveling and incidental expenses while actually engaged in the service of the Board." The State Board of Chiropody Examiners is entrusted with the duty of carrying out the provisions of the Chiropody Practice Act and is empowered to prescribe reasonable or necessary regulations and by-laws to govern its proceedings and activities. The Board shall adopt all necessary rules to regulate the practice of Chiropody and shall hold meetings at least twice a year and special meetings when necessary. The Board must examine and license Chiropodists and cause the prosecution of all persons violating the provisions of the Act and must pass upon and approve educational institutions. Further, the Board may, after due hearing, refuse to grant or renew and may revoke any license issued under the provisions of the law upon evidence of misconduct. Traveling expenses, therefore, of a Board member may be allowed only if such attendance is in direct relation to his prescribed duties. It is believed that a member traveling to and from an authorized Board meeting is actually engaged in the service of the Board. To properly function, it is necessary that the Board have adequate policies and regulations which are formulated by the State Board of Chiropody Examiners. It would appear that attendance at a Board meeting, which necessitates travel to and from such meeting would be required of each individual member to discharge properly the duties imposed upon the Board by the Chiropody Practice Act. It seems that the statute evidences a legislative intent that traveling expenses incurred in trav-

eling to and from meetings of the Board are actually in relation to those services rendered by the Board of Chiropr-
opody Examiners.

Therefore, your question should be answered in the affirmative.

SUMMARY

Members of the Texas State Board of Chiropr-
opody Examiners are actually engaged in the service of the Board in traveling to and from authorized meetings of the Board pursuant to Article 4574 of the Revised Civil Statutes of the State of Texas, and are entitled to necessary traveling expense.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Burnell Waldrep
Burnell Waldrep
Assistant

BW:WB

APPROVED
OPINION COMMITTEE
BY: BWB
CHAIRMAN

APPROVED JANUARY 14, 1947

Price Daniel
ATTORNEY GENERAL OF TEXAS