



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

May 13, 1953

Hon. R. O'Hara Lanier, President  
Texas Southern University  
Houston, Texas

Letter Opinion No. MS-33

Re: Authority of the President  
of Texas Southern Univer-  
sity to approve out-of-  
State travel which univer-  
sity employees undertake at  
their own expense.

Dear Sir:

In substance, you have asked us the following questions:

1. Does the 1951 General Appropriation Act permit the President of Texas Southern University to approve out-of-State travel of university employees in connection with their official duties or academic development where the employees pay their own expenses?

2. Are the employees in the circumstances described above entitled to their regular monthly salaries for the period in which they are thus absent?

The 1951 General Appropriation Act was enacted as Chapter 499, Acts of the 52nd Legislature, 1951, page 1228. Section 35 of Article V, at page 1474, states in part:

"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 the boundaries of the State of Texas, except for institutional business as approved by the Governing Board of the several institutions named herein, including the formal presentation of original researches, by an employee, if before a national, regional or state learned society

approved in advance by the administrative head of the school, and no travel shall be performed outside of the state except upon the written consent of the school's Board of Regents or executive head. . . the expenses of all (other) employees shall be approved by the President or Chief Financial Officer, and the Auditor of the college or institution."

This section of the Appropriation Act is intended to limit travel expenses reimbursed from State funds to the purposes enumerated therein as approved by the officials charged with the responsibility of disbursing such State funds. From your question we gather that the employees affected pay their own travel expenses and do not seek travel reimbursement from State funds. Consequently, none of the quoted provisions of the Appropriation Act apply to such a situation. If an employee desires to be reimbursed for his travel expenses, all of the conditions imposed by this section must be observed. The President of Texas Southern University is the "executive head" of the school, and is authorized by the Act to give written consent for such travel for which the State will reimburse the expenses.

In answer to your second question, unless the travel is for one of the purposes stated in Section 35 of the Appropriation Act the employee will not be eligible to receive his regular compensation for the days covered by his unauthorized (according to the terms of the Act) absence. He must comply with the requirements of the Act to receive his regular salary during his absence to the same extent as is required to receive reimbursement of his travel expenses during such period.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By /s/ Billy E. Lee  
Billy E. Lee  
Assistant

BEL:am:wb