



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**October 4, 1954**

**JOHN BEN SHEPPERD  
ATTORNEY GENERAL**

Hon. C. H. Cavness  
State Auditor  
Capitol Building  
Austin, Texas

**Opinion No. S-142**

**Re: Travel expense of State  
employees.**

Dear Mr. Cavness:

You have requested our opinion as to whether, "where it is cheaper, the traveling (State) employee may return to his home daily rather than to have to stay out at State expense."

Section 8a of Article VI of Chapter 81 of the Acts of the 53rd Legislature, 1953, page 127, the General Appropriation Bill, at page 345, provides in part:

"The amounts herein appropriated for the payment of traveling expenses of the agencies are intended to be the maximum amounts that shall be paid by the State as reimbursement of travel expenses of State employees. The agency heads are charged with the responsibility of planning the activities of their offices so that all travel expense shall be paid in full as long as the certified expense accounts are within the maximum herein prescribed."

As thus provided, the planning and control of employees' travel and its incident expense is the responsibility of the head of the agency concerned, within the maximum limit fixed by the Legislature. It is within the province of such agency head to require the employee who is away on official temporary duties to report back to his permanent station on week ends or each evening if he deems it expedient, and it is our opinion that an employee who performs travel in compliance therewith is entitled to reimbursement upon his proper application.

Hon. C. H. Cavness, page 2 (S-142)

Insofar as it conflicts herewith, Attorney General's Opinion O-1404 (1939) is hereby overruled.

SUMMARY

When an employee is authorized to return to his home by the head of his agency, it is a proper travel expenditure under Section 8a of Article VI of Chapter 81, Acts of the 53rd Legislature, 1953.

Attorney General's Opinion O-1404 (1939) insofar as it conflicts herewith is hereby overruled.

APPROVED:

Willis Gresham  
Public Affairs Division

John Davenport  
Reviewer

Robert S. Trotti  
First Assistant

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Attorney General

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Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By   
Assistant