



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

January 12, 1960

Honorable Ben Ramsey, Chairman  
Texas Legislative Budget Board  
and Texas Legislative Council  
State Capitol  
Austin, Texas

Opinion No. WW-777

Re: Are members of the Texas  
Legislative Council and  
the Texas Legislative  
Budget Board entitled to  
receive reimbursement for  
actual expenses when travel-  
ing on official business.

Dear Mr. Ramsey:

You have requested an opinion on the following question:

"Are members of the Texas Legislative Council and the Legislative Budget Board entitled to receive reimbursement 'for their actual meals, lodging and incidental expenses when traveling on official business . . .' as is provided in Section 36 of Article V of the general appropriation act; or are they restricted to a per diem of eight dollars by virtue of the language contained in Section 6A of Chapter 1, Acts of the 56th Legislature, 1959, Regular Session, as such Act was amended by Sec. 3 of Chapter 16, Acts of the 56th Legislature, 1959, 3rd Called Session."

In Attorney General's Opinion WW-776 (1960) it was held that:

"Members of the 56th Legislature serving on interim committees while traveling on official business within the State are limited by the provisions of House Bill 14, Acts of the 56th Legislature, Third Called Session, Chapter 16, page 395, to \$8 per day and 8¢ per mile for travel."

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In view of the foregoing, the answer to your question is dependent upon whether members of the Texas Legislative Council and the Legislative Budget Board are serving on interim committees of the Legislature.

The Legislative Council was created in 1949 by the provisions of Article 5429b, Vernon's Civil Statutes, and is composed of "five Senators to be appointed by the President of the Senate and ten Representatives to be appointed by the Speaker of the House of Representatives. The president of the Senate and Speaker of the House shall also be ex-officio members of the Council, and the President of the Senate shall be its Chairman and the Speaker of the House its Vice Chairman."

The Legislative Budget Board was created in 1949 by the provisions of Article 5429c, Vernon's Civil Statutes, and is composed of "the Speaker of the House of Representatives and four (4) members of the House of Representatives who shall be appointed by the Speaker, one of whom shall be the Chairman of the Appropriations Committee and one of whom shall be the Chairman of the Revenue and Taxation Committee, and of the Lieutenant Governor and four (4) members of the Senate, who shall be appointed by the Lieutenant Governor, one of whom shall be the Chairman of the Finance Committee and one of whom shall be the Chairman of the State Affairs Committee."

It is noted that the State Legislative Council and the Legislative Budget Board are separate agencies of the State created by statutes duly enacted by the Legislature. Therefore, it is our opinion that neither the Texas Legislative Council nor the Legislative Budget Board constitutes an interim committee within the meaning of House Bill 14, Acts of the 56th Legislature, Third Called Session, 1959, Chapter 16, page 395. Furthermore, we are supported in this opinion by the provisions of Section 7 of Article 5429b, Vernon's Civil Statutes, reading as follows:

"The Chairman and Vice Chairman of the Council and all members thereof shall be reimbursed for all necessary traveling and other expenses incurred in the performance of their duties; and the Council shall determine the salaries of its assistants and employees."  
(Emphasis added).

Furthermore, the limitations as to the per diem are limited to members of the Legislature serving on interim committees "of the Fifty-sixth Legislature."

You are, therefore, advised that members of the Texas Legislative Council and the Legislative Budget Board are entitled to receive reimbursement for their actual meals, lodging and incidental expenses when traveling

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on official business, as provided in Subdivision (a) of Article V of House Bill 4, Acts of the 56th Legislature, Third Called Session, 1959, Chapter 23, page 442, at page 731 (the General Appropriation Act).

SUMMARY

Members of the Texas Legislative Council and the Legislative Budget Board are entitled to receive reimbursement for their actual meals, lodging and incidental expenses when traveling on official business as provided in Subdivision (a) of Article V of House Bill 4, Acts of the 56th Legislature, Third Called Session, 1959, Chapter 23, page 442 at page 731 (the General Appropriation Act).

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
John Reeves  
Assistant

JR:me

APPROVED:

OPINION COMMITTEE  
W. V. Geppert, Chairman

Marietta Payne  
J. C. Davis, Jr.  
Dean Davis  
Charles D. Cabiness

REVIEWED FOR THE ATTORNEY GENERAL  
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