



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Jurvis Co

Board of Insurance Commissioners
Life Division
Austin, Texas

Dear Mr. Barrow;

Attention: D. B. Barrow, Chief
Examiner.

Opinion No. 0-2505

Re: Traveling expenses -- out-
of-State trip for joint
examination of insurance
company.

This will acknowledge receipt of your letter of
July 1, 1940, which reads as follows:

"In the month of January this year, we received an invitation from the Secretary of the National Association of Insurance Commissioners to represent Zone 5 in the Convention examination of the Hartford Fire Insurance Company of Hartford, Connecticut, and its affiliated companies licensed to operate in Texas. We sent Mr. Neal Heath, one of our commissioned Examiners, to take part in this examination. It may be that the Comptroller will now raise the question of his authority to pay future Expense accounts filed by Mr. Heath in view of a recent opinion by you. In order to at least take care of the Expense accounts from this date, will you please advise us, with a copy for the Comptroller, if in your opinion the trip is legal and in the interest of the State of Texas so that the warrants may be honored.

"This trip was made, as you understand, in accordance with the provisions of Article 4690a, Section 3, as amended by the Forty-sixth Legislature."

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We are advised by you that this joint examination is still in process and Mr. Heath is still engaged therein.

Article 4690, Vernon's Revised Civil Statutes, specifically authorizes the chairman of the Board of Insurance Commissioners, either in person or by one or more Commission examiners, to visit and examine, either alone or jointly with representatives of the Insurance Supervising Departments of other states, each insurance company not organized under the laws of this State but authorized to transact business in this State. You are therefore advised that, in the opinion of this department, the trip concerning which you make inquiry is for State business purposes directly concerning the Department of Insurance, by which Mr. Heath is employed.

In our Opinion No. 0-2457, addressed to the Honorable Geo. H. Sheppard, Comptroller of Public Accounts, this department ruled that the traveling-expense rider appended to Senate Bill 427, Acts of the 46th Legislature, prohibited the payment of traveling expenses incurred on out-of-State trips, unless the written statement of the Attorney General that the purpose of the proposed trip is for State business purpose shall have been obtained and filed in advance of the trip with the State Comptroller. A copy of such opinion is enclosed herewith. It will be observed that in that instance the employee had completed the trip without procuring an opinion from the Attorney General advising that the purpose of the proposed trip was for the discharge of State business. The purpose of the rider is to require approval of the trip as being for State business purposes prior to the incurring of the expenditure for which reimbursement is sought from the State. Therefore, so much of Mr. Heath's traveling expenses in connection with this out-of-State trip as were incurred prior to the procuring and filing of this opinion with the State Comptroller may not be paid by the Comptroller; but such expenses as are incurred after the filing of this opinion with the Comptroller may be reimbursed, if otherwise in order.

Trusting that the above fully answers your in-

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quiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

R. W. Fairchild

R. W. Fairchild
Assistant

RWF-MR

Enclosure

APPROVED JUL 8, 1940

Glenn R. Quinn

ATTORNEY GENERAL OF TEXAS

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