



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

**PRICE DANIEL  
ATTORNEY GENERAL**

December 15, 1948

Hon. L. A. Wood  
State Superintendent  
Department of Education  
Austin, Texas

Opinion No. V-737

Re: The legality of paying the expenses of State business travel when the employee also attends a Convention meeting in the evening.

Dear Sir:

Your request for an opinion upon the above subject matter is as follows:

"On October 31 Dr. H. E. Robinson went to Waco at the request of several individuals to assist with special education problems in their schools. He was involved in eight or ten such individual conferences from noon on the 31st until noon on November 1. He did not go to Waco to attend a convention, but at 7:30 p.m. on October 31 he did attend a meeting at which Dr. John Lee of Wayne University spoke to a group on "What Is Special Education?" I feel that attending this meeting at an evening hour does not invalidate his claim for expenses for transacting necessary official business.

"I am enclosing a copy of his expense account claims covering the details of this situation and would appreciate your opinion as to whether or not he is entitled to reimbursement for his expenses incurred."

Dr. Robinson's account may be approved for payment. The State has a just claim upon the working hours of its employees, but it is not monitor of their evenings. The prohibition against paying travel expenses of employees to conventions does not operate to

forbid payment when the employee in fact is traveling on State business, notwithstanding, while upon such trip he does actually attend a convention. Each case such as you put presents a question of fact as to good faith discharge of the State's business. It is primarily the duty of the head of the department, and the issuance and payment of warrant by the accounting officers of the State to solve such questions. We may add, however, that the nature of the business transacted, and the character of the convention attended may be considered in this fact finding as to good faith intention.

It is within your power and official discretion to approve the claim involved.

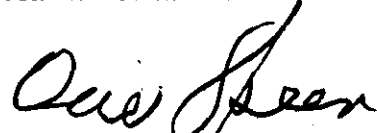
SUMMARY

A State employee may lawfully be paid travel expense incurred in making a trip in good faith upon State business notwithstanding in the evening he attends a convention.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

  
Ocie Speer  
Assistant

OS:wb

APPROVED:

  
PRICE DANIEL  
ATTORNEY GENERAL