



PRICE DANIEL
ATTORNEY GENERAL

**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

October 1, 1947

Hon. Geo. H. Sheppard
Comptroller of Public Accounts
Austin, Texas

Opinion No. V-394

Re: Legality of the inclusion of meals and lodgings in Austin on the expense accounts of members of the State Board of Hairdressers and Cosmetologists.

Dear Sir:

Reference is made to your recent request for an opinion of this Department which reads as follows:

"Senate Bill No. 131, of the Fiftieth Legislature provides for the members of the State Board of Hairdressers and Cosmetologists to receive \$3,600 per year payable in even monthly installments together with actual expenses incurred in the performance of their official duties.

"Please advise if the members of this Board can be reimbursed for meals and lodgings, in the city of Austin, in which is located the Board of Hairdressers and Cosmetologists."

Senate Bill No. 131 of the 50th Legislature, 1947, amended Section 7 of Article 734b, V.P.C., to read as follows:

"The members of the Board shall each receive a salary of Three Thousand Six Hundred (\$3,600.00) Dollars per year, payable in equal monthly payments, together with actual expenses incurred in the performance of their official duties, providing such expenses shall be allowed if and when audited, approved and allowed by

the State Comptroller. Such salary of the Board members and the Executive Secretary as well as all other expenses incidental to the discharge of their duties, shall be allowed, including reasonable expenses in attending schools for the purpose of taking post graduate courses in beauty culture only and attending conventions of beauty culturists, both state and national; providing in no event shall such expenses for any one Board member exceed the sum of One Hundred (\$100.00) Dollars for any one convention or post graduate course attended within the State nor more than Two Hundred (\$200.00) Dollars for any one convention or post graduate course attended out of the state; provided that no more than one member of the Board shall be absent from his regular duties as a Board member at any time for the purpose of taking such post graduate work only and that no Board member shall attend (or take) more than one (1) such post graduate course during any one (1) calendar year extending over not more than a two (2) weeks period. All salaries and expenses shall be paid out of the fund in the State Treasury to the credit of the Texas Board of Cosmetology on requisition signed by the President and Secretary of the Board and a warrant of the State Comptroller."

In Item 18 under title State Board of Hair-dressers and Cosmetologists of the general appropriation, there is an appropriation of \$6,000.00 for Board members' travel expense.

Under the general provisions of the Appropriation Bill of the 50th Legislature, 1947, Subsection "b" of Section 11, we find the following:

"The Comptroller shall not pay, and no State officer or employee of any of the departments or other agencies of the government shall include in his traveling expense account any amounts for meals and/or lodging incurred within the city or town where such officer or such employee is stationed. Such employees as are stationed away from their main office or

headquarters who are not allowed traveling expenses where so stationed shall be allowed such expenses when called to their main office."

In your letter you do not state whether the Board members are residing in the City of Austin or not. But inasmuch as the Board of Cosmetology has located the office in Austin, we assume that all the Board members reside in Austin. On January 27, 1917, this Department rendered an opinion to the Chief Deputy Game, Fish and Oyster Commissioner, who was living in the City of Austin, which stated as follows:

"In our opinion the items in the various appropriation bills providing for the payment of traveling expenses relate only to the expense of any officer or employee while on the road traveling on business of the State away from the office of such department and from his place of abode where such department is located, and there is no authority in law for allowance of any living expense account of any officer or employee while he is in the city of Austin under the guise of a traveling expense account." (A. G. Op. No. 1700, Bk. 48, p. 442)

Since the Board members are now on a salary basis and in view of the foregoing, it is the opinion of this Department that the members of the Board of Cosmetology cannot be reimbursed for meals and lodgings in the City of Austin.

SUMMARY

Members of the State Board of Hairdressers and Cosmetologists living in Austin cannot be reimbursed for meals and lodgings in the City of Austin, their office being located in that city.

APPROVED:

Fagan Dickson

FIRST ASSISTANT
ATTORNEY GENERAL

BA:djm

Very truly yours

ATTORNEY GENERAL OF TEXAS

By *Bruce Allen*
Bruce Allen
Assistant