



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

January 5, 1956

Dr. L. K. Griffin, D. C., President
Texas Board of Chiropractic Examiners
Perry-Brooks Building
Austin, Texas

Letter Opinion No. MS-251

Re: May members of the Texas
Board of Chiropractic Ex-
aminers receive per diem
and travel expense while
attending official meet-
ings of committees of the
Board, and may the Secre-
tary of the Board receive
per diem for work done
after board meetings.

Dear Dr. Griffin:

You have requested our opinion on the following question

"May our committees be paid for their per diem,
plus travel expense, covering their meetings?"

You explain that your nine member board has organized
into three committees of three members each.

The law under which your Board operates (Article 4512b,
Vernon's Civil Statutes), provides in Section 3(a) thereof that
five (5) members of the Board shall constitute a quorum.

Section 11 of Article III of Chapter 519, Acts of the
54th Legislature, 1955, at page 1534, provides:

"Sec. 11. Appropriations made in this Article
for per diem payments may be expended only for the
services of members of State Boards and Commissions
rendered in traveling to and from and attending of-
ficial meetings of such Boards and Commissions at
which a quorum is present."

Since the per diem appropriation for your Board is made
in this Article, this restriction must be observed. It is, there-
fore, our opinion that per diem cannot be paid your committee

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members for their meetings out of such appropriation. Travel expense is not so limited and can be paid.

Your second question pertains to work of your Secretary:

"Can he be paid his per diem for the work which is not done in official meetings where a quorum is present?"

You informed me by phone December 8, 1955, that the Secretary referred to in your second question is neither the Executive Secretary nor the Secretary-Bookkeeper listed in the Appropriation Act, but is a member of the Board.

The answer to the second question is that he cannot be paid such per diem.

Yours very truly,

JOHN BEN SHEPPERD
ATTORNEY GENERAL OF TEXAS

By
Horace Wimberly
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HW/rt

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