You have requested our opinion regarding the reimbursement of transportation expenses for a member of the Health Care Information Council, (the "council").

Section 108.003(h) of the Health and Safety Code provides:

(h) A member of the council may not receive compensation for service on the council. However, the member shall be reimbursed for the member’s actual and necessary meals, lodging, transportation, and incidental expenses if incurred while performing council business.

Section 2171.056(b) of the Government Code provides:

(b) Except as provided by commission rule, a state agency may not:

(1) purchase commercial airline or rental car transportation if the amount of the purchase exceeds the amount of the central travel office’s contracted fares or rates; or

(2) reimburse a person for the purchase of commercial airline or rental car transportation for the amount that exceeds the amount of the central travel office’s contracted fares or rates.

You ask whether a council member’s reimbursement for costs of “actual and necessary [commercial airline and rental car] transportation” is limited to the amount of the “central [travel] office’s contracted fares or rates.”

Bill Analysis, S.B. 381, 73d Leg., R.S (1993). It is clear that the purpose of section 2171.056(b) is to establish a uniform maximum limit on airline and rental car expenses for the executive branch of government.

In our opinion, these two provisions may easily be harmonized by reading “actual and necessary . . . transportation . . . expenses” in section 108.003(h) as limited by the maximum rate established by section 2171.056(b). Nothing in the legislative history of House Bill 1048, which created the council, indicates that it was intended to be exempt from that limitation. We hold, therefore, that the reimbursement of transportation expenses for a member of the Health Care Information Council is limited to “the amount of the central travel office’s contracted fares or rates.” Gov’t Code § 2171.056(b).

SUMMARY

Reimbursement of transportation expenses for a member of the Health Care Information Council is limited to “the amount of the central travel office’s contracted fares or rates,” as provided by section 2171.056(b) of the Government Code.

Yours very truly,

Rick Gilpin
Deputy Chief
Opinion Committee