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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Andrew Hugine, Jr.
President, Alabama Agricultural
and Mechanical University
Post Office Box 1357
Normal, Alabama 35762

Colleges and Universities – Alabama A&M
University – Boards of Trustees – Travel
Expenses – Reimbursement

Alabama A&M University may reimburse members of its board of trustees for actual expenses incurred for travel outside the State of Alabama. Alabama A&M University may also reimburse members of its board of trustees for actual expenses for travel within the State of Alabama if the travel is for the purpose of attending or assisting in hosting a convention, conference, seminar, or other meeting of a national organization of which the state is a dues-paying member. Otherwise, reimbursement for in-state travel is limited to the per diem amounts set forth in section 36-7-20 of the Code of Alabama.

Dear Dr. Hugine:

This opinion of the Attorney General is issued in response to your request.

QUESTION

May Alabama A&M University reimburse members of its board of trustees for actual expenses for travel?

FACTS AND ANALYSIS

This Office has previously determined that an employee or representative of an institution of higher learning “is to be reimbursed [for travel] as for any state employee.” Opinion to Honorable Ralph W. Adams, Chancellor, Troy State University System, dated July 14, 1988, A.G. No. 88-00374. Moreover, section 16-49-28 of the Code of Alabama, relating to Alabama A&M University, states that “[t]he certificate of the president of the board . . . shall entitle the several trustees and ex officio members to the payment of their actual expenses incurred in the discharge of their duties as trustees, *in conformity with regulations governing travel expenses of state officials.*” ALA. CODE § 16-49-28 (2012) (emphasis added).

Sections 36-7-20 through 36-7-25 of the Code set forth the amount, limits, and guidelines for reimbursement of persons traveling in service of the state. ALA. CODE § 36-7-20 to § 36-7-25 (2013). In a previous opinion to Honorable Ronald L. Jones interpreting these provisions, this Office concluded the following:

Institutions of higher education are authorized to pay actual expenses to persons traveling outside the State of Alabama and to pay actual expenses of persons traveling within the State of Alabama for the purpose of attending or assisting in hosting a convention, conference, seminar, or other meeting of a national organization of which the state is a dues-paying member that is held within the state. Institutions of higher education may prepay these expenses.

Institutions of higher education are authorized to pay a per diem allowance to persons traveling within the State of Alabama with the one exception for persons attending or assisting in hosting a convention, conference, seminar, or other meeting of a national organization as stated above. Institutions of higher education are not authorized to prepay the per diem allowance.

Opinion to Honorable Ronald L. Jones, Chief Examiner, Department of Examiners of Public Accounts, dated October 15, 2009, A.G. No. 2010-001.

CONCLUSION

Alabama A&M University may reimburse members of its board of trustees for actual expenses incurred for travel outside the State of Alabama. Alabama A&M University may also reimburse members of its board of trustees for actual expenses for travel within the State of Alabama if the travel is for the purpose of attending or assisting in hosting a convention, conference, seminar, or other meeting of a national organization of which the state is a dues-paying member. Otherwise, reimbursement for in-state travel is limited to the per diem amounts set forth in section 36-7-20 of the Code.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ben Baxley of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division