



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GROVER SELLERS
~~WILLIAM WILKINSON~~
ATTORNEY GENERAL

Honorable T. M. Trimble
First Assistant,
State Superintendent of
Public Instruction
Austin, Texas

Dear Mr. Trimble:

Opinion No. 0-6265

Re: Whether or not a member of the House of Representatives may serve at the same time as a member of the Board of Trustees of an independent school district.

You propound the following for an opinion from this department:

"At the request of Mr. W. B. Wilkerson, Superintendent of the Bryan Independent School District, I am submitting the following question for your consideration and opinion:

"Can a member of the House of Representatives continue to serve as a member of the board of trustees of an independent school district?"

Our reply is that a member of the House of Representatives is not forbidden to serve at the same time as a member of the Board of trustees of an independent school district, but he may not draw from the State treasury any pay or compensation for his services as a member of the Legislature while holding at the same time the position of trustee of such independent school district.

We have several times held that the position of trustee of a school district is not an "office of emolument", under Section 40 of Article XVI of the Constitution which forbids the holding at the same time of two civil offices of emolument in this State.

Section 33 of the same Article, however, contains the provision that, "The accounting officers of this State shall neither draw nor pay a warrant upon the treasury in favor of any person,

for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State * * * *."

The office of trustee of a school district is undoubtedly a "position of 'honor' and 'trust'", from which it follows, as above stated, that while holding such position of honor and trust the holder could not receive pay from the treasury as a member of the House.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/Ocie Speer
Ocie Speer
Assistant

OS-MR-wc

APPROVED NOV 15, 1944
s/Grover Sellers
ATTORNEY GENERAL OF TEXAS

Approved Opinion Committee by s/BWB Chairman