THE ATTORNEY GENERAL
OF TEXAS
AUSTIN, TEXAS

Grover Sellers
ATTORNEY GENERAL

Honorable W. J. McConnell, President
North Texas State Teachers College
Denton, Texas

Dear Dr. McConnell: Opinion No. O-6830

Re: Construction of H. B. 173, Regular Session 49th Legislature, concerning the right of husband and wife to be employed for kitchen service in a dormitory of an educational institution.

We acknowledge receipt of your letter requesting an opinion upon the above captioned subject matter as follows:

> "1. May this college employ legally a husband and wife for kitchen service in a dormitory, the income from which is applied solely to maintenance, operation, and liquidation of bonds with which the building was erected?
>
> "2. May the wife of a man who works on the campus and is paid from state funds be legally employed in the kitchen of a dormitory while he is on the payroll? (Revenue from dormitory applied only to maintenance, operation, and bond liquidation.)"

The answer to your inquiries is controlled by subsection (11) attached to House Bill 173, the current Appropriation Act for educational institutions, which subsection reads as follows:

> "The general provisions made in this Act shall not apply to athletics or extramural departments, and as to these exceptions, the governing board shall make such necessary rules and adjustments as may be deemed advisable."

The husband and wife provision involved in your questions is subsection (16) to which subsection (11) above quoted is a special exception.

So that, both of your questions are answered in the affirmative.

Very truly yours
ATTORNEY GENERAL OF TEXAS
By /s/ Cole Speer
Assistant

APPROVED OCT. 8, 1945
/s/ Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE, By WWF, Chairman