



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

June 13, 1955

Honorable Allan Shivers
Governor of Texas
Capitol Station
Austin, Texas

Letter Opinion No. MS-224

Re: Constitutionality of Senate
Bill 401, 54th Legislature,
concerning County Superin-
tendents in certain counties.

Dear Governor:

You have requested an opinion on the constitutionality of Senate Bill 401, providing for the continuance of the office of County Superintendent of Public Instruction where it exists in counties having a scholastic population of less than 1,700 and more than 1,685, according to the scholastic census of September 1, 1954.

This bill applies only to Stephens County. Since it is tied to the scholastic census of September 1, 1954, it can never apply to any other county. Section 56 of Article III prohibits the enactment of local or special laws regulating the affairs of counties or school districts, and creating offices or prescribing the powers and duties of officers in counties or school districts.

Therefore, it is our opinion that Senate Bill 401 violates the provisions of Section 56 of Article III of the Constitution of Texas and is unconstitutional. City of Fort Worth v. Bobbit, 121 Tex. 14, 36 S.W.2d 470, 41 S.W.2d 228, (1931).

APPROVED:

Yours very truly,

J. C. Davis, Jr.
County Affairs Division

JOHN BEN SHEPPERD
Attorney General

J. A. Amis, Jr.
Reviewer

By *John Reeves*
John Reeves
Assistant

John Atchison
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JR:lm