



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

March 21, 1958.

Overruled by:

**Willis v. Potts
377 SW 2d 622
Texas Sup. Ct.**

Honorable Jim Bates
Criminal District Attorney
Hidalgo County
Edinburg, Texas

Opinion No. WW-396

Re: Questions concerning the eligibility of certain individuals to hold, at the same time, the office of a member of the Board of Regents for Pan American College at Edinburg and City Commissioner for the City of Mission.

Dear Mr. Bates:

You have requested the opinion of this office on the following questions:

1. The eligibility of certain individuals to hold, at the same time, the office of a member of the Board of Regents for Pan American College at Edinburg, Hidalgo County, Texas, and City Commissioner of the City of Mission, Texas.
2. The eligibility of one to hold, at the same time, the office of a member of the Board of Regents for Pan American College at Edinburg, Hidalgo County, Texas, and Chairman of the Democratic Executive Committee of Hidalgo County, Texas.

Since receipt of your request by this office, you have advised us that the second question has, or is about to become moot, because the term of office of the individual in question as a Regent of Pan American College is expiring this month, and the time for announcing of candidacy for that office has passed without his announcing for re-election. You have, therefore, advised us that you do not desire to have the second question considered in this Opinion.

We believe that the first question is specifically answered by Attorney General's Opinion No. O-371 and a letter opinion, dated March 27, 1956, and addressed to Honorable Robert

Honorable Jim Bates, Page 2 (WW-396).

S. Calvert, which cites several other Attorney General's Opinions which express the same view as that taken in O-371. In that Opinion, this office held that members of the Texas A. and M. College staff were not prohibited by Sections 33 and 40 of Article XVI of the Texas Constitution from holding offices in the town of College Station.

We believe that Attorney General's Opinion O-371 correctly states the applicable law, and you are, therefore, advised that it is the opinion of this office that one is not precluded from simultaneously holding the offices of a member of the Board of Regents for Pan American College at Edinburg, Hidalgo County, Texas, and City Commissioner for the City of Mission, Texas.

SUMMARY

Sections 33 and 40, Article XVI of the Constitution of Texas do not prohibit the simultaneous holding of the offices of a member of the Board of Regents for Pan American College at Edinburg, Hidalgo County, Texas, and City Commissioner for the City of Mission, Texas.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *B. H. Timmins, Jr.*
B. H. Timmins, Jr.
Assistant

BHT:jl

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

J. Arthur Sandlin

Marietta Payne

Fred Werkenthin

L. F. Lollar

REVIEWED FOR THE ATTORNEY GENERAL
BY: W. V. Geppert