



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

July 14, 1975

The Honorable M. L. Brockette
Commissioner of Education
Texas Education Agency
201 East 11th Street
Austin, Texas 78701

Opinion No. H- 641

Re: Constitutionality of
Senate Bill 1110
abolishing the office
of county superintendent
in Travis and Gonzales
Counties

Dear Dr. Brockette:

You have requested our opinion concerning the constitutionality of Senate Bill 1110, 64th Leg., which provides:

The office of county superintendent of schools is abolished in Gonzales and Travis Counties. The duties of the office shall be performed by the county judge as ex officio county superintendent.

In Attorney General Opinion H-545 (1975) we indicated that a bill which would have abolished the office of county school superintendent and the county board of school trustees in five counties was unconstitutional. The bill violated article 3, section 56 of the Texas Constitution, which provides in part:

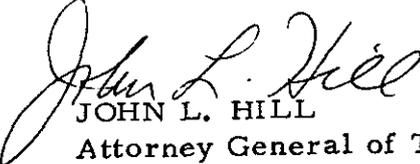
The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law . . . [r]egulating the affairs of counties, cities, towns, wards or school districts.

In our opinion your question is indistinguishable from that raised in Attorney General Opinion H-545 and therefore Senate Bill 1110 is clearly unconstitutional as a violation of this section. Rios v. State, 288 S.W.2d 77 (Tex. Crim. 1955); Heflin v. Wilson, 297 S.W.2d 864 (Tex. Civ. App. --Beaumont 1956, no writ); Attorney General Opinions H-52 (1973), M-1237 (1972), M-1200 (1972), M-935 (1971), M-745 (1970).

S U M M A R Y

Senate Bill 1110 is unconstitutional as a local
or special law.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
Opinion Committee