



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

December 6, 1990

Honorable Juan J. Hinojosa  
Chairman  
Local and Consent Committee  
Texas House of Representatives  
P. O. Box 2910  
Austin, Texas 78768-2910

LO-90-106

Dear Representative Hinojosa:

You have requested our opinion as to whether a state employee or an employee of a junior college district may receive compensation for serving as a city council member.

Article 16, section 40, of the Texas Constitution provides:

State employees or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and who are not State officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts; provided, however, that such State employees or other individuals shall receive no salary for serving as members of such governing bodies.

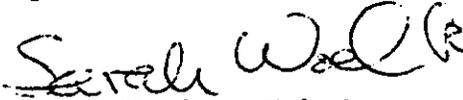
Junior colleges receive a substantial appropriation from the legislature. General Appropriations Act, Acts 1989, 71st Leg., ch. 1263, art. III at 5570. Thus, it may fairly be said that an employee of a junior college receives at least a portion of his compensation "either directly or indirectly from funds of the State of Texas." As a result, such an individual may not be paid a salary for serving as a member of a local governing body.

We conclude that a state employee or an employee of a junior college district may not receive compensation for serving as a member of a city council.

Yours very truly,



Rick Gilpin, Chairman  
Opinion Committee



Sarah Woelk, Chief  
Letter Opinion Section  
Opinion Committee

RG/SW/lcd

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