



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL  
ATTORNEY GENERAL

September 28, 1973

The Honorable Charles F. Campbell, Jr. Letter Advisory No. 61  
County Attorney  
P. O. Box 825  
Hillsboro, Texas 76645

Re: Whether a county judge  
may serve as Veteran  
County Service Officer

Dear Mr. Campbell:

The office of Veterans County Service Officer was created under the authority of Article 5798a-2, Vernon's Texas Civil Statutes (Acts 1945, 49th Leg., ch. 12, p. 16). As amended, the Act provides that the Commissioners Court may appoint such an officer when it deems it necessary in order that those residents of the county who have served in the armed forces may receive benefits to which they are entitled. The statute requires that the Officer shall receive a salary fixed by the Commissioners Court within certain statutory limits.

You have asked whether an individual may serve as the Veterans County Service Officer while simultaneously acting as county judge. Section 40 of Article 16 of the Constitution of Texas, as amended in 1972, provides that: "No person shall hold or exercise at the same time, more than one civil office of emolument. . . ." There are exceptions stated, none of which we believe apply to this situation.

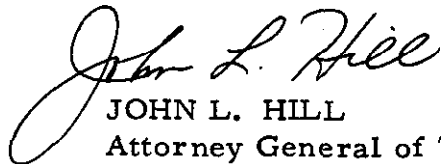
It is obvious that the office of County Judge is a civil office of emolument. It has likewise been held, and correctly so in our opinion, that the Veterans County Service Officer occupies a civil office of emolument. Attorney General Opinions Nos. O-5675 (1943) (decided under the prior Act); V-144 (1947).

For that reason, it is our opinion that the County Judge of Hill County may not also serve at the same time as Veterans County Service Officer.

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It is unnecessary to determine whether other considerations would have the same effect.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee