



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

**February 14, 1973**

**Honorable Bob Armstrong  
Commissioner, General Land Office  
Archives and Library Building  
Austin, Texas**

**Opinion No. H-10**

**Re: May a state employee,  
such as the secretary  
of a Texas legislator  
or a member of the  
Governor's staff, serve  
at the same time as  
a director of the San  
Antonio River Authority?"**

**Dear Mr. Armstrong:**

**In your recent letter you asked for our opinion on the following  
question:**

**"May a state employee, such as the secretary of  
a Texas legislator or a member of the Governor's staff,  
serve at the same time as a director of the San Antonio  
River Authority?"**

**In the general election in November, 1972, the people of Texas  
adopted an amendment to Section 40 of Article 16 of the Constitution  
of Texas providing an exception to the prohibition of that Section  
that "no person shall hold or exercise at the same time more than one  
civil office of emolument. . . ." The new exception is:**

**"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."**

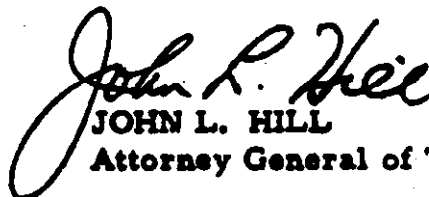
This provision also serves as an exception to the separation of powers of Article 2, Section 1 of the Constitution of Texas.

If there is no incompatibility between the offices (a fact question on which we express no opinion), and if no salary is taken for serving on the Authority, it is our opinion that a secretary to a Texas legislator or a member of the Governor's staff would be entitled to serve as a director of the San Antonio River Authority.

- S U M M A R Y -

Section 40 of Article 16 of the Constitution of the State of Texas specifically provides that State employees who are not State officers shall not be barred from serving as members of governing bodies of local governmental districts and, therefore, a secretary of a Texas legislator or a member of the Governor's staff, not a state officer, may serve at the same time as a director of the San Antonio River Authority.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
JOHN M. BARRON  
First Assistant

  
DAVID M. KENDALL, Chairman  
Opinion Committee