



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

February 11, 1953

Hon. R. A. Weinert
Chairman
Senate State Affairs Com-
mittee
Fifty-third Legislature
Austin, Texas

Opinion No. S-04

Re: Constitutionality of the
provision in Senate Bill
98, 53rd Legislature,
authorizing Boards of
Trustees of independent
school districts to ap-
point tax assessor-col-
lectors for a term of
office not to exceed
three years.

Dear Sir:

You have requested an opinion concerning the constitutionality of Senate Bill 98, 53rd Legislature, authorizing Boards of Trustees of an independent school district to appoint a tax assessor-collector for a term of office not to exceed three years.

Section 16 of Article VII of the Constitution of Texas provides:

"The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, and the terms of members of the respective boards, not to exceed six years."

In construing this provision it was held in Popham v. Patterson, 121 Tex. 615, 51 S.W.2d 680 (1932) that since the office of county superintendent was purely statutory the Legislature had the authority to fix the term of office of county school superintendent at any period not exceed six years. Since the office of tax assessor and collector for independent school districts is purely statutory (Articles 2758, 2779, and 2791, V.C.S.) it is our opinion that the case of Popham v. Patterson is applicable to Senate Bill 98.

Therefore, the Legislature is authorized to prescribe any term for the office of tax assessor and collector of independent school districts not to exceed

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six years. Senate Bill 98 provides for a term of office not to exceed three years and is therefore constitutional.

SUMMARY

The provision of Senate Bill 98, 53rd Legislature, authorizing Boards of Trustees of independent school districts to appoint tax assessor-collector for a term of office not to exceed three years is constitutional. Tex. Const. Article VII, Sec. 16.

Yours very truly,

APPROVED:

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Willis E. Gresham
Reviewer

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