

SCHOOL DIRECTORS: Members of the Board of Education of six-
JURY SERVICE: director school districts are not excused
from jury service by the provisions of
Section 494.031(7), RSMo 1959.

OPINION NO. 131

March 30, 1967

Honorable A. Basey Vanlandingham
Missouri State Senator
12 Glenview Plaza
P. O. Box 711
Columbia, Missouri



Dear Senator Vanlandingham:

This opinion is issued in response to your request for an official ruling. You inquire as to whether or not members of the Board of Education of a six-director school district are to be excused from jury service under Section 494.031(7), RSMo 1959, or whether board members are exempted from jury service by some provision of Senate Bill 3, of the 72nd General Assembly.

We have examined the provisions of Senate Bill 3, and find no section exempting members of Boards of Education from jury service.

Section 494.031, provides:

"The following persons shall, upon their timely application to the court, be excused from service as a juror, either grand or petit:

* * * * *

"(7) Any officer or employee of the executive, legislative or judicial departments of the federal, state, county or city government who is actively engaged in the performance of his duties;"

Members of a Board of Education of a public school district obviously are neither officers or employees of federal, county or city governments. Although they occupy positions created and defined by the statutes of this state, they are not

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in a direct sense officers of the State of Missouri.

This office has previously distinguished between "officers or employees of the state" and "officers and employees under the state." Opinion 16, Proffer, February 25, 1966 (copy enclosed). In Opinion 16, we ruled that the phrase "under the state" as used in Article III, Section 12, of the Missouri Constitution, included employees of school districts; whereas the phrase "employees of the state" did not include employees of school districts.

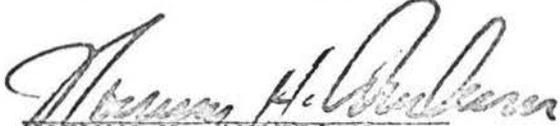
When the legislature has intended to include school districts with other classes of governments they have used such general phrases as "political subdivisions" (e.g., Section 70.310, RSMo Supp. 1965), or "municipality" (e.g., Opinion 16, supra). The provisions of Section 494.031(7), do not use any such general description.

CONCLUSION

Therefore it is the opinion of this office that members of the Board of Education of six-director school districts are not excused from jury service by the provisions of Section 494.031(7), RSMo 1959.

The foregoing opinion, which I hereby approve, was prepared by my assistant Louis C. DeFeo, Jr.

Yours very truly,


NORMAN H. ANDERSON
Attorney General

Enclosure: Opinion 16, Proffer,
February 25, 1966.