



A GOVERNMENT AGENCY  
OF THE  
*State of Texas*

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RECEIVED  
MAR 30 2004  
OPINION COMMITTEE

# SABINE RIVER AUTHORITY

*of Texas*

P.O. BOX 579  
ORANGE, TEXAS  
77631

March 29, 2004

FILE # ML-43603-04  
I.D. # 43603

*RQ-0203-GA*

Mr. Gregg Abbott  
Attorney General, State of Texas  
Opinion Committee  
Supreme Court Building  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

RE: Request for Decision Under Article XVI, Section 40, of the Texas Constitution

Dear Sirs:

I request an opinion from the Attorney General of the State of Texas on behalf of the Sabine River Authority of Texas regarding the following:

1. Does the elected office of County Clerk and an appointment as a Director of the Sabine River Authority of Texas constitute a dual civil office of emolument such as is prohibited by Article XVI, Section 40, of the Texas Constitution?
2. Does a per diem as granted by the 1955 Amendments to Chapter 101 of the Session Laws as amended to Sabine River Authority directors constitute and emolument as prohibited for dual office by Article XVI, Section 40, of the Texas Constitution?
3. Can the per diem contemplated by the 1955 Amendments to Chapter 101 of the Session Laws as amended be disavowed, relinquished or rescinded in any manner as to remove such a disqualification?

Yours very truly,

SABINE RIVER AUTHORITY OF TEXAS

Jerry Clark  
Executive Vice President  
and General Manager

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