

SENATOR FLORENCE SHAPIRO
DISTRICT 8

COMMITTEES:
State Affairs, Chair
Education
Intergovernmental Relations
Redistricting



The Senate of
The State of Texas

June 18, 2002

The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, TX 78711

FILE # ML-42670-02
I.D. # 42670

ATTN: Opinions Committee
RE: *Request for an Opinion Interpreting Tex. Const. Art. 16, § 40*

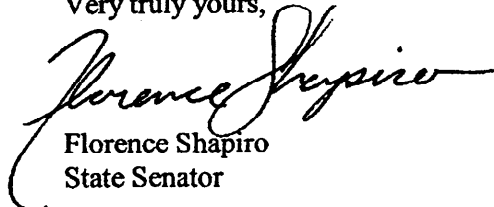
Dear Attorney General Cornyn:

The Port of Port Arthur Navigation District of Jefferson County, Texas (the "Port") is a governmental body established pursuant to Article XVI, Section 59 of the Texas Constitution and is governed by a Board of Commissioners. The purpose of this letter is to request your opinion regarding the availability of certain Port Commissioners to receive compensation in accordance with the constitutional provisions pertaining to individuals who hold positions in local government districts. Specifically, Tex. Const. Art. 16, § 40 was recently amended to read: "State employees... may not receive a salary for serving as members of such governing bodies, except that a schoolteacher, or retired school administrator may receive compensation for serving as a member of a governing body,... or local government district, including a water district created under Section 59, Article XVI, or Section 52, Article III."

The Port's Board of Commissioners believe that adjunct professors employed by state universities should be considered "schoolteachers" under the revised constitutional provision such that they are entitled to receive compensation. However, the Board seeks clarification and guidance from you regarding the definition of "schoolteachers" under the provision in question.

Should you have any questions regarding the foregoing or need any additional information, please do not hesitate to contact me. Otherwise, thank you for your assistance herein.

Very truly yours,


Florence Shapiro
State Senator

FS/vb

RECEIVED

JUN 24 2002

OPINION COMMITTEE

DISTRICT OFFICE:
5005 Addison Circle
Addison, Texas 75001
(972) 385-9876
(972) 385-9877 (Fax)

AUSTIN OFFICE:
P.O. Box 12068
Austin, Texas 78711
(512) 463-0108
(512) 463-7579 (Fax)
TDD 1-800-735-2989

RQ-0564-JC

RECEIVED

JUN 24 2002

Office of the ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

2869

