

THE ATTORNEY GENERAL

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An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0005-AC

Requestor:

Ms. Jacky Cockerham
Aransas County Auditor
2840 Highway 35 North
Rockport, Texas 78382

Re: Authority of a deputy sheriff under Transportation Code section 621.402 to operate a fixed motor vehicle weigh station for all commercial vehicles (RQ-0005-AC)

Briefs requested by September 20, 2023

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202303103
Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: August 22, 2023



Opinions

Opinion No. AC-0003
The Honorable Landon Ramsay
Franklin County Attorney

200 North Kaufman

Mt. Vernon, Texas 75457

Re: Authority of a county commissioners court to adopt and enforce a moratorium regarding commercial solar projects (RQ-0500-KP)

SUMMARY

Specified provisions of the Transportation Code give a commissioners court authority over certain aspects of county roads. To the extent a moratorium proposed by a county in relation to a commercial utility-scale solar-energy facility is adopted pursuant to such authority but is meant to reach activity other than that related to county roads, a court would likely find it invalid and unenforceable.

Health and Safety Code section 121.003 authorizes the commissioners court of a county to enforce laws reasonably necessary to protect the public health. To the extent a moratorium proposed by a county in relation to a commercial utility-scale solar-energy facility is adopted pursuant to section 121.003 but does not seek to enforce a specific, preexisting public health law, a court would likely find it invalid and unenforceable.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

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General Counsel
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