

THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

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-0403-KP

Requestor:

The Honorable Dee Hobbs
Williamson County Attorney
405 M.L.K. Street, #7
Georgetown, Texas 78626

Re: Authority of a county attorney to file suit to enjoin a violation of a restriction contained in a properly recorded plat of property within the county (RQ 0403 KP)

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

TRD-202101570
Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: April 20, 2021



Opinions

Opinion No. KP-0366

The Honorable Dee Hobbs
Williamson County Attorney
405 M.L.K. Street #7
Georgetown, Texas 78626

Re: Whether public improvement district assessments may be used in specific circumstances (RQ-0384-KP)

SUMMARY

Local Government Code chapter 372 governs public improvement districts and provides for special assessments to be levied against property benefiting from improvements made under the chapter. The question regarding the use of public improvement district assessments in particular circumstances requires a construction of numerous contracts and the application of facts to those contracts, which tasks are outside the purview of an Attorney General opinion.

Subsection 372.023(h) authorizes the inclusion of issuance costs of general obligation bonds to pay improvement costs in a public improvement district. Yet, pursuant to section 372.024 and its reference to subtitle A, Title 9 of the Government Code, the issuer of such bonds must be an issuer from within the State.

Subsection 372.026(f)'s phrase "indebtedness issued to pay a corporation's costs of issuance" generally could be construed to include a promissory note that is issued.

Opinion No. KP-0367

The Honorable Tamara L. Cochran-May
San Patricio County Attorney
400 West Sinton, Room 108
Sinton, Texas 78387

Re: Whether subsection 20.05(a)(5) of the Business and Commerce Code prohibits a consumer reporting agency from reporting certain information if the consumer is covered by a self-funded plan with a reference-based-pricing program (RQ-0385-KP)

SUMMARY

Subsection 20.05(a)(5) of the Business and Commerce Code prohibits a consumer reporting agency from furnishing a consumer report containing information about certain collection accounts for an outstanding balance owed to an emergency care provider or a facility-based provider for an out-of-network benefit claim. A court would likely conclude that subsection 20.05(a)(5) does not apply to a self-funded plan that does not utilize a network of providers. The subsection does not preclude Texas hospitals' collection agencies from furnishing to a credit bureau information about an individual's outstanding balance for medical bills when the employer has adopted a reference-based-pricing program that does not utilize a provider network.

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

TRD-202101569
Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: April 20, 2021

