

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-0610-KP

Requestor:

The Honorable Gary D. Trammel

Stephens County Attorney

200 West Walker, Room 206

Breckenridge, Texas 76424

Re: Miscellaneous questions regarding commissioners court authority over employees of local elected officials (RQ-0610-KP)

Briefs requested by September 29, 2025

RQ-0611-KP

Requestor:

The Honorable Brooks Landgraf

Chair, House Committee on Environmental Regulation

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Purchase or acquisition of an interest in real property by certain aliens or foreign entities under SB 17 (89R) (RQ-0611-KP)

Briefs requested by September 29, 2025

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

TRD-202503132

Justin Gordon

General Counsel

Office of the Attorney General

Filed: September 2, 2025



Opinions

Opinion No. KP-0496

The Honorable Josh Tetens

McLennan County District Attorney

219 North 6th Street, Suite 200

Waco, Texas 76701

Re: Use of funds collected under Local Government Code section 118.0216 (RQ-0549-KP)

S U M M A R Y

The records management and preservation fee collected by a county clerk pursuant to Local Government Code subsection 118.011(b)(2) may be used only for documents filed and recorded with the county clerk, in accordance with subsection 118.0216(a). This would not, however, prevent the county clerk's office from contributing a pro rata share of those fees to a joint records management and preservation project with the district clerk's office.

Opinion No. KP-0497

The Honorable Keith L. Cook

Leon County Attorney

Post Office Box 429

Centerville, Texas 75833

Re: Authority of the Health and Human Services Commission to regulate and license providers of Individualized Skills and Socialization services under chapter 103 of the Human Resources Code or other law (RQ-0555-KP)

S U M M A R Y

Chapter 103 of the Texas Human Resources Code allows the Health and Human Services Commission to regulate on-site and off-site Individualized Skills and Socialization (ISS) providers already licensed as Day Activity and Health Services (DAHS) facilities. As such, the Commission does not exceed its rulemaking authority by establishing licensing procedures, standards, and other requirements for the ISS providers already licensed as DAHS facilities—so long as the rules are consistent with Chapter 103.

For violations where subsections 103.012(b) and 103.013(c) of the Human Resources Code are triggered, any rule imposing administrative penalties against licensed on- and off-site ISS providers in excess of the monetary amounts outlined in these subsections would exceed the Commission's authority under Chapter 103.

Opinion No. KP-0498

The Honorable Donna Campbell, M.D.

Chair, Senate Committee on Nominations

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Zoning procedures, notification requirements, and eligibility for protests under Chapter 211 of the Local Government Code (RQ-0577-KP)

S U M M A R Y

The owner of real property within 200 feet of a proposed change in zoning classification is entitled to written notice of a hearing before the zoning commission if the owner is indicated as such on the most recently approved municipal tax roll.

The plain text of the Local Government Code does not require that an owner be listed on the most recently approved municipal tax roll to count toward the protest calculation regarding a proposed classification change before the governing body.

Other than use of the municipal tax roll to identify an owner entitled to written notice of a hearing before the zoning commission, Local Government Code subsections 211.006(d) and 211.007(c) neither direct nor prohibit the use of external records or a specific method or course of action to verify an owner.

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

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