

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-0612-KP

Requestor:

The Honorable Donna Campbell, M.D.
Chair, Senate Committee on Nominations
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Re: Regarding the scope and permissible application of the disaster related voter approval rate exemption under Texas Tax Code § 26.042 (RQ-0612-KP)

Briefs requested by September 26, 2025

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

TRD-202503280
Justin Gordon
General Counsel
Office of the Attorney General
Filed: September 16, 2025



Opinions

Opinion No. KP-0499

The Honorable Fred H. Weber
Caldwell County Criminal District Attorney
1703 South Colorado Street, Box #5
Lockhart, Texas 78644

Re: Scope of county authority and liability involving utility cables buried along rights-of-way (RQ-0573-KP)

S U M M A R Y

While Chapter 181 of the Texas Utilities Code authorizes counties to supervise the installation or designate the appropriate location of certain utility facilities in the rights-of-way for public roads, this chapter

does not authorize a county to impose permitting or minimum-depth requirements on a telephone or telegraph corporation that buries cable in a county road right-of-way.

A county would not be liable for the costs to repair and rebury a telephone or telegraph corporation's cable, under the Texas Tort Claims Act, unless property damage is proximately caused by the wrongful act, omission, or negligence of a county employee and it arises from the operation or use of motor-driven vehicles or equipment. That determination, however, is a fact question beyond the scope of this opinion.

Opinion No. KP-0500

The Honorable Eric Burnett
Board President
Nueces River Authority
539 South Hwy 83
Uvalde, Texas 78801

Re: Interpretation of the recusal standard under Texas Government Code § 572.058(a) (RQ-0575-KP)

S U M M A R Y

Under Government Code section 572.058, an elected or appointed official must recuse themselves from a vote or decision in which they have a personal or private interest originating from a familial relationship that has the potential to influence the public official in the exercise of their duties and responsibilities. Thus, a Nueces River Authority board member whose brother-in-law is an executive staff member of the water supply entity for the City of Corpus Christi should recuse themselves from a vote and otherwise refrain from participating in a decision about Authority business regarding water supply activities that have common or competing interests with the City of Corpus Christi.

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