

THE ATTORNEY GENERAL

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Opinions

Opinion No. KP-0527

The Honorable Cecil Bell, Jr.

Chair, House Committee on Intergovernmental Affairs

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Scope of municipalities' authority to enter into intergovernmental support agreements with U.S. military installations (RQ-0608-KP)

S U M M A R Y

Article VIII, section 3 of the Texas Constitution requires tax dollars to be spent for public purposes. When a home-rule municipality's charter permits entry into an intergovernmental support agreement subject to section 793.002 of the Texas Government Code, the municipality's expenditure of tax dollars to fulfill this municipal power may constitute a public purpose of the municipality. Nevertheless, the City of Socorro must determine in the first instance if a particular expenditure of tax dollars to fulfill its IGSA with the United States Army Garrison Fort Bliss, Texas accomplishes a public purpose of the City.

Opinion No. KP-0528

The Honorable Sean Teare

Harris County District Attorney

1201 Franklin Street, Suite 600

Houston, Texas 77002

Re: Scope of "law enforcement agency" definition under Senate Bill 571 (RQ-0614-KP)

S U M M A R Y

The definition of "law enforcement agency" in Family Code subsection 261.001(3-a) applies throughout Chapter 261. Accordingly, a school district police department is not an "appropriate law enforcement agency" under either section 261.105 or 261.301.

Opinion No. KP-0529

The Honorable Brad Buckley, DVM

Chair, House Committee on Public Education

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Whether a school district trustee must resign upon announcing candidacy for justice of the peace and related compatibility questions (RQ-0619-KP)

S U M M A R Y

An independent school district trustee is not required to resign that office upon becoming a candidate for justice of the peace under article XVI, sections 40 or 65 of the Texas Constitution, Canon 5(3) of the Texas Code of Judicial Conduct, or the common-law doctrine of incompatibility.

The common-law doctrine of incompatibility does not prohibit an independent school district trustee from simultaneously serving as a justice of the peace.

Opinion No. KP-0530

The Honorable Joe Gonzales

Bexar County Criminal District Attorney

Paul Elizondo Tower

101 West Nueva

San Antonio, Texas 78205

Re: House Bill 4490 and the confidentiality of next of kin information under Article 49.25 of the Texas Code of Criminal Procedure (RQ-0617-KP)

S U M M A R Y

We must apply statutory text as written by the Legislature. When it amended the Code of Criminal Procedure article 49.25, adding subsection 11(d), the Legislature elected to except next-of-kin information from required disclosure under the Public Information Act but chose not to make the information confidential. Therefore, subsection 11(d) permits a medical examiner's office to withhold next-of-kin information from mandatory disclosure under the PIA but does not bar disclosure.

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

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