

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-0660-KP

Requestor:

The Honorable Ryan Guillen

House Committee on Agriculture & Livestock

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Texas State Board of Pharmacy's reciprocal disciplinary authority (RQ-0660-KP)

Briefs requested by October 22, 2026

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

TRD-202604196

Justin Gordon

General Counsel

Office of the Attorney General

Filed: September 30, 2026



Opinions

Opinion No. KP-0531

Ms. Cheryll A. Jones

Kinney County Auditor

Post Office Box 1219

Brackettville, Texas 78832

Re: Commissioners Court authority to approve and make purchases without approval of the County Auditor (RQ-0618-KP)

S U M M A R Y

A purchasing contract is void if it is executed by an individual who was not delegated authority to enter into the contract under Texas Local Government Code section 262.001, and if the commissioners court does not subsequently approve the contract. A void contract cannot create a debt in violation of article XI, section 7 of the Texas Constitution. We lack sufficient information from which to determine whether

the contract at issue here was exempted from the competitive-purchasing requirements under Texas Local Government Code Chapter 262, subchapter C, or whether the Commissioners Court followed the competitive-purchasing process set forth therein.

The Commissioners Court may not authorize the payment of goods and services without the approval of the county auditor, but the arbitrator may not arbitrarily withhold approval. Nothing in the language of Texas Local Government Code subsection 113.064(a) precludes a county auditor from auditing a claim for payment for goods or services before the county receives them. And a county auditor may audit and approve a county's purchase of a vehicle without a signed requisition, provided that the purchase otherwise complies with the law governing county finances.

Opinion No. KP-0532

The Honorable Christina Sanchez

El Paso County Attorney

320 South Campbell Street, Suite 200

El Paso, Texas 79901

Re: Independent school district authority to lease certain facilities and allow alcohol service by lessees (RQ-0624-KP)

S U M M A R Y

A board of trustees of an independent school district generally may lease district property to private groups when the lease does not interfere with the property's educational purpose. Education Code subsection 37.122(a)(1) prohibits alcohol possession for consumption, sale, or distribution on public-school grounds or in public-school buildings. A lease cannot override this restriction, and a school board cannot authorize a private lessee to do what the district itself is forbidden from doing. Any provision attempting to permit alcohol on such property risks rendering the entire lease void and leaving the district unable to enforce the lessee's rent obligation.

Opinion No. KP-0533

The Honorable Donna Campbell, M.D.

Chair, Senate Committee on Nominations

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Eligibility for service as a commissioner on a governing board of an emergency services district under Health & Safety Code § 775.034 (RQ-0627-KP)

S U M M A R Y

To qualify as an emergency services commissioner, Health and Safety Code subsection 775.034(a) requires a person to be either a qualified voter in areas served by the emergency services district or an owner of taxable land within the district. A qualified voter residing in a municipality outside a district's boundaries that receives emergency services from the district may qualify to serve as a commissioner. However, ownership of property in an area that is served by the district but that is outside the district's boundaries does not satisfy the requirement that taxable land be within the district. Districts may appoint individuals who are ineligible to serve as commissioners for other roles, but those appointees may not exercise core powers reserved exclusively for commissioners.

Chapter 775's conflict-of-interest provisions do not prohibit a person from serving simultaneously as a municipal officer or employee and

as an emergency services district officer or employee. Constitutional dual-officeholding restrictions may prohibit an individual from holding both a compensated municipal office and a compensated emergency services district office. The conflicting loyalties aspect of common law incompatibility generally renders the two offices incompatible when the municipal and emergency services district positions both possess the authority to contract with the other government entity.

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

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