

THE ATTORNEY GENERAL

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

An index to the full text of these documents is available from
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. 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: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Requests for Opinions

RQ-0124-KP

Requestor:

The Honorable J. D. Sheffield
Chair, Joint Committee on Aging
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78711-2910

Re: Whether the proposed Upper San Saba River Management Plan unlawfully delegates legislative power to a private entity (RQ-0124-KP)

Briefs requested by September 26, 2016

RQ-0125-KP

Requestor:

The Honorable Dee Hobbs
Williamson County Attorney
405 Martin Luther King Street #7
Georgetown, Texas 78626

Re: Access to court records containing criminal history record information that is subject to an order of non-disclosure under chapter 411 of the Government Code (RQ-0125-KP)

Briefs requested by September 27, 2016

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

TRD-201604596
Amanda Crawford
GHCHUDCounsel
Office of the Attorney General
Filed: August 31, 2016



Opinions

Opinion No. KP-0109

The Honorable Dan Patrick

Lieutenant Governor of Texas

Post Office Box 12068

Austin, Texas 78711-2068

Ms. Seana Willing

Executive Director

State Commission on Judicial Conduct

Post Office Box 12265

Austin, Texas 78711-2265

Re: The constitutionality of a volunteer justice court chaplaincy program and opening daily judicial proceedings with prayer (RQ-0099-KP)

S U M M A R Y

A Justice of the Peace does not violate the Establishment Clause by opening a court session with the statement "God save the State of Texas and this Honorable Court."

A court would likely conclude that a Justice of the Peace's practice of opening daily court proceedings with a prayer by a volunteer chaplain as you describe is sufficiently similar to the facts in *Galloway* such that the practice does not violate the Establishment Clause.

A court would likely conclude that the volunteer chaplain program you describe, which allows religious leaders to provide counseling to individuals in distress upon request, does not violate the Establishment Clause.

Opinion No. KP-0110

The Honorable Rodolfo V. Gutierrez

Jim Hogg County Attorney

Post Office Box 847

Hebbronville, Texas 78361

Re: Whether section 49.052 of the Water Code disqualifies an employee of the county attorney's office from serving as a member of the board of a water control and improvement district in the same county, when the county attorney also provides professional legal services to the water district (RQ-0102-KP)

S U M M A R Y

A court would likely construe subsection 49.052(a)(2) of the Water Code to disqualify an employee of the county attorney from serving as

a member of the board of a water control and improvement district in the same county, when the county attorney also provides professional legal services to the water district.

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

TRD-201604441
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: August 25, 2016



Opinions

Opinion No. KP-0111

The Honorable Wiley B. McAfee
District Attorney
33rd and 424th Judicial Districts
1701 East Polk Street
Burnet, Texas 78611
The Honorable Rebecca Lange
Llano County Attorney
801 Ford Street, Room 111
Llano, Texas 78643

Re: Whether a commissioners court may impose a vehicle policy that regulates the use, deployment, recording, and tracking of vehicles used by the sheriff (RQ-0100-KP)

S U M M A R Y

A commissioners court may enact county vehicle policies applicable to a vehicle used by the sheriff only to the extent that it does not unreasonably interfere with the sheriff's constitutional or statutory duties. Whether the sheriff or the commissioners court possesses final policy-making authority with respect to a specific vehicle policy will depend on specific facts and applicable law, the determination of which is not within the scope of an attorney general opinion.

A county auditor may access county records pertaining to the use of county vehicles and impose vehicle use requirements on other county officers only in aid of the auditor's fiscal examination and reporting duties and only to the extent the requirements do not unreasonably interfere with the officer's constitutional or statutory duties.

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

TRD-201604553
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: August 29, 2016

