

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-0524-KP

Requestor:

Mr. Tristan Marquez
Ector County Auditor
1010 East 8th Street, Room 121
Odessa, Texas 79761

Re: Request for an attorney general opinion regarding the legality of certain actions of the Ector County Utility District Board of Directors (RQ-0524-KP)

Briefs requested by January 17, 2024

RQ-0525-KP

Requestor:

The Honorable Charles Schwertner
Chair, Senate Committee on Business & Commerce
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Re: Whether low-THC cannabis inventory may be transported between department-approved locations by a licensed dispensing organization before a prescription is issued and filled under the Compassionate Use Act (RQ-0525-KP)

Briefs requested by January 17, 2024

RQ-0526-KP

Requestor:

The Honorable J.M. Lozano
Chair, House Committee on Urban Affairs
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Re: Whether the exemptions in Health & Safety Code section 773.004(a)(4) exclude a person holding certain certifications from being sworn personnel under chapters 142 and 143 of the Local Government Code (RQ-0526-KP)

Briefs requested by January 17, 2024

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

TRD-202304886
Justin Gordon
General Counsel
Office of the Attorney General
Filed: December 19, 2023

Opinions

Opinion No. KP-0452

Ms. Gloria Meraz
Director and Librarian
Texas State Library & Archives Commission
Post Office Box 12927
Austin, Texas 78711-2927

Re: Scope of authority of the Texas State Library and Archives Commission to accept gifts under Government Code section 441.006(b)(2) (RQ-0001-JS)

S U M M A R Y

Government Code subsection 441.006(b)(2) authorizes the Texas State Library and Archives Commission (TSLAC) to receive a donation of money or services on terms and conditions it considers proper as long as the State does not incur financial liability as a result of the donation. A court would likely conclude TSLAC's authority to receive a donation of "services" under subsection 441.006(b)(2) includes the authority to receive a donation of repair, rehabilitation, or construction work for a specific purpose, even if the donor pays a third party to perform the work.

The role of the Texas Facilities Commission in relation to repair, rehabilitation, or construction work donated to TSLAC for the Cleveland-Partlow House depends on the resolution of fact questions.

A contract between TSLAC and a private donor is a means by which TSLAC could retain oversight of a donation of repair, rehabilitation, or construction work.

Opinion No. KP-0453

The Honorable John K. Greenwood

Lampasas County Attorney

409 South Pecan, Suite 203

Lampasas, Texas 76550

Re: Authority under Government Code chapter 74 of the Judge of a multi-county district to appoint different court coordinators for each county of the district (RQ-0001-AC)

S U M M A R Y

Government Code chapter 74, subchapter E, governs court coordinators. A court would likely conclude that subsection 74.101(a) authorizes the appointment of a single court coordinator per court, even in a multi-county judicial district such as the 27th Judicial District Court.

A court would likely conclude that, in the context of a multi-county judicial district, only a commissioners court that will fund the court coordinator position must approve the "position and compensation" of a court coordinator as referenced in subsection 74.104(b).

Because the question of court coordinator compensation in a multi-county judicial district necessarily involves the issue of apportionment among the counties in the district, a court would likely conclude that in such a district, section 74.104 requires the appointing judge and re-

spective commissioners courts to collaborate in apportioning the cost of a court coordinator's compensation as part of the overall compensation approval process.

A court coordinator's duties are largely determined by the judge of the appointing court pursuant to section 74.102 and may encompass coordination services to all counties of a multi-county judicial district at the discretion of the judge.

A court would likely conclude that a judge making an appointment of court coordinator staff or support personnel under section 74.103 must seek commissioners court approval of the positions pursuant to Local Government Code section 151.001.

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

TRD-202304887

Justin Gordon

General Counsel

Office of the Attorney General

Filed: December 19, 2023

