

# THE ATTORNEY GENERAL

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## Requests for Opinions

### RQ-0402-KP

#### Requestor:

The Honorable James White  
Chair, House Committee on Homeland Security & Public Safety  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910

Re: Whether access to a government facility can be conditioned upon obtaining a vaccine (RQ-0402-KP)

#### Briefs requested by May 5, 2021

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202101438  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: April 6, 2021



## Opinions

### Opinion No. KP-0364

The Honorable Brett W. Ligon  
Montgomery County District Attorney  
207 West Phillips, 2nd Floor  
Conroe, Texas 77301  
The Honorable B.D. Griffin  
Montgomery County Attorney  
501 North Thompson, Suite 300  
Conroe, Texas 77301

Re: Whether a driver's license is required to operate a golf cart on a publicly maintained road, as authorized by sections 551.403 and 551.404 of the Transportation Code

(RQ-0381-KP)

## SUMMARY

Section 521.021 of the Transportation Code prohibits a person, unless expressly exempted, from operating a motor vehicle on a publicly maintained way any part of which is open to the public for vehicular travel unless the person holds a driver's license. Sections 551.403 and 551.404 of the Code, which authorize a person to operate a golf cart in certain locations, do not exempt such persons from the driver's license-holding requirement of section 521.021.

### Opinion No. KP-0365

The Honorable Charles Perry  
Chair, Committee on Water and Rural Affairs  
Texas State Senate  
Post Office Box 12068  
Austin, Texas 78711-2068

Re: Ector County's compliance with chapter 387 of the Local Government Code, regarding creation of a county assistance district (RQ-0382-KP)

## SUMMARY

Chapter 387 of the Local Government Code provides for county assistance districts, and subsection 387.003(b) establishes the boundaries for those districts. A court would likely conclude that subsection 387.003(b) required Ector County to include the City of Odessa's extraterritorial jurisdiction in the Ector County's county assistance district's proposed boundaries.

Construing subsection 387.003(b-1) to require notice to a city only when a proposed district includes the incorporated territory of the city, the County's express exclusion of Odessa's municipal limits in its ballot language means that no territory of a municipality was included in the proposed district. Accordingly, a court would likely conclude that subsection 387.003(b-1) required no notice.

Neither statute nor equitable principles of law such as the contract with the voters or administrative action by the Texas Comptroller provide a basis to conclude that the District's boundaries should exclude future land annexations by Odessa.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

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Office of the Attorney General  
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