

THE ATTORNEY GENERAL

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

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. 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: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0405-KP

Requestor:

The Honorable Matthew A. Mills

Hood County Attorney

1200 West Pearl Street

Granbury, Texas 76048

Re: Procedure for numbering election ballots and which officials are authorized to select the method for numbering ballots (RQ-0405-KP)

Briefs requested by June 3, 2021

RQ-0406-KP

Requestor:

The Honorable Russell W. Malm

Midland County Attorney

500 North Loraine, Suite 1103

Midland, Texas 79701

Re: County compliance with competitive bidding procedures before renewing or extending a contract for management of a county facility (RQ-0406-KP)

Briefs requested by June 7, 2021

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

TRD-202101843

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: May 11, 2021



Opinions

Opinion No. KP-0370

The Honorable Luis V. Saenz

Cameron County District Attorney

964 East Harrison Street, Fourth Floor

Brownsville, Texas 78520

Re: Whether section 3000.002 of the Government Code prohibits political subdivisions from adopting paint color and pattern requirements (RQ 0387 KP)

S U M M A R Y

Chapter 3000 of the Government Code governs building regulations a governmental entity may adopt with respect to building products, materials, and methods. Subsection 3000.002(a)(1) prohibits a governmental entity from adopting an ordinance or other regulation that directly or indirectly prohibits or limits the use of products or materials approved for use by certain national model codes. Subsection 3000.002(a)(2) prohibits a governmental entity from establishing standards for building products, materials, or aesthetic methods that exceed the standards in such model codes. Determining whether an ordinance adopting color palette and pattern requirements prohibits or limits, directly or indirectly, a model code approval, or is more stringent than model code standards for building product, material, or aesthetic methods, will likely require investigation into and resolution of fact questions, which is beyond the purview of the opinion process.

Subsections 3000.002(a)(1) and (2) of the Government Code do not apply to the Legislature.

Opinion No. KP-0371

The Honorable M. Brian Evans

Freestone County Attorney

110 South Keechi

Fairfield, Texas 75840

Re: Whether section 81.066 of the Natural Resources Code authorizes the Railroad Commission to address noise generated from oil and gas equipment as part of its annual plan (RQ-0388-KP)

S U M M A R Y

Natural Resources Code section 81.066 requires the Railroad Commission's oil and gas division to develop and publish an Annual Strategic Plan concerning its oil and gas division's monitoring and enforcement activities. Section 81.066 identifies specific information that the Commission's oil and gas division must include in the Annual Plan. Information not identified in section 81.066 need not be included in the Annual Plan.

Under the plain language of section 81.066, absent any monitoring and enforcement activities of the Commission's oil and gas division relating to the control of noise, or any statute or Commission rule concerning

the Commission's control of noise, the Commission is not required to include information on noise control in its Annual Plan.

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

TRD-202101844

Austin Kinghorn
General Counsel
Office of the Attorney General
Filed: May 11, 2021

