



KEN PAXTON  
ATTORNEY GENERAL *of* TEXAS

# The Attorney General Opinion Process

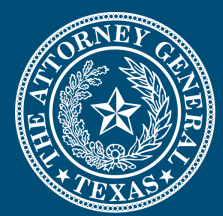
Jennie Hoelscher  
Division Chief  
Opinion Committee



# Legal Authority for AG Opinions

“The Attorney General shall . . . give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law.”

Article IV, § 22 of the Texas Constitution



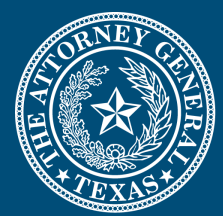
# Who may request an AG opinion?

- Governor
- Head of a department of state government
- Head or board of a penal institution
- Head or board of an eleemosynary institution
- Head of a state board
- Regent or trustee of a state educational institution
- Committee of a house of the legislature
- County auditor
- Chair of the governing board of a river authority
- District or county attorney



# State Agency Requestors

- With regard to state agencies, we accept requests from either the Executive Director or the appointed or elected head of the state agency or board.
  - Chairman, Texas Department of Motor Vehicles Board
  - Executive Director, Commission on Jail Standards
  - Commissioner, Texas Education Agency
  - President, Texas Medical Board
- If a board has more than one member, the chair or presiding officer of the board should request the opinion.



# Limitation on Opinion Authority

The Attorney General may not give legal advice or a written opinion to a person other than a person named in chapter 402, subchapter C, of the Government Code.

Section 402.045 of the Government Code



# Appropriate Opinion Request Topics

- Questions affecting the public interest
- Questions concerning the official duties of the requesting person
- Questions addressing the meaning of current law



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# Inappropriate Opinion Request Questions

- Questions requiring the resolution of facts
- Questions currently the subject of pending litigation
- Questions requiring the construction of contracts or local ordinances





# Recently Issued Opinions

Slide 1 of 3

- KP-0380, Rep. Senfronia Thompson
  - Effect of the Governor's executive orders on the federal requirements to wear face coverings on public transit
- KP-0379, Rep. James White
  - Whether access to a government facility can be conditioned upon obtaining a vaccine under emergency authorization
- KP-0362, Rep. James White
  - Government restrictions on an individual's right of access to clergy during the COVID-19 pandemic



# Recently Issued Opinions

Slide 2 of 3

- KP-0371, Freestone County Attorney
  - Whether the Railroad Commission is authorized to address noise generated from oil and gas equipment as part of its annual plan
- KP-0363, Lieutenant Governor Dan Patrick
  - Whether the Public Utility Commission has legal authority to issue orders affecting pricing for the wholesale electricity market
- KP-0354, Burnet County Attorney
  - Punishment for violation of the maximum vehicle weight limitation established by the Executive Director of TxDOT pursuant to the Transportation Code



# Recently Issued Opinions

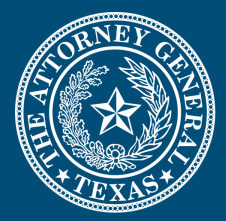
Slide 3 of 3

- KP-0364, Montgomery County Attorney
  - Whether a driver's license is required to operate a golf cart on a public road
- KP-0243, President, Texas Medical Board
  - Legal representation for an advisory committee and indemnification under the Civil Practice and Remedies Code
- KP-0236, Sen. Eddie Lucio, Jr.
  - Whether the Texas Southmost College District may acquire and hold title to land from the General Services Administration through the Federal Lands to Parks Program



# What should a request look like?

- No specific formatting requirements exist.
- Include relevant legal authorities and background information necessary to answer the request.
- The more information provided, the better equipped our office will be to answer the request.



# View Prior Opinion Requests

View prior requests for opinions on the OAG website:

[www2.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs](http://www2.texasattorneygeneral.gov/opinion/requests-for-opinion-rqs)

## Requests for Opinion (RQs)

Now you can subscribe to the OAG's [Pending Opinion Requests](#) list. If you subscribe, you will receive an e-mail informing you of newly posted Requests for Attorney General Opinions. The e-mail will include a hot link to the pending Opinion Request as well as a brief summary.

All the documents on this page require the free Adobe Reader plug-in for your browser.

See [Help with Adobe](#) for more information.

2019	2018	2017	2016
RQ-0263-KP to Present	RQ-0205-KP to RQ-0262-KP	RQ-0146-KP to RQ-0204-KP	RQ-0090-KP to RQ-0145-KP
<input type="text" value="-Select one-"/>	<input type="text" value="-Select one-"/>	<input type="text" value="-Select one-"/>	<input type="text" value="-Select one-"/>



# Submitting a Request

- Two statutory submission options:
  - Sent by certified or registered mail, with return receipt requested and addressed to:

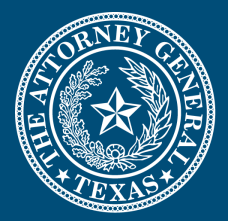
Attn: Opinion Committee  
Office of the Texas Attorney General  
P.O. Box 12548  
Austin, TX 78711-2548

- Sent electronically to [opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)



# Briefing an Opinion Request

- Upon receiving a request, the Office of the Attorney General will invite briefing from specific entities and persons who it believes have expertise or an interest in the subject of the request.
- Any individual or entity is welcome to submit a brief.
- No formatting requirements exist for a brief.
- Briefs should be submitted within thirty days of opening a request for opinion, unless otherwise directed.
- All briefs and other materials are subject to the Public Information Act.



# Issuance of Opinions

- The Attorney General reviews each formal opinion issued.
- Barring extenuating circumstances, opinions are issued within 180 days of receipt of the request.





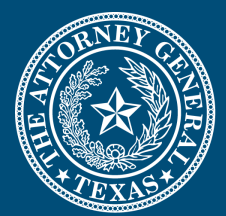
# Search Attorney General Opinions

You may search prior Attorney General opinions by subject matter on the OAG website:

[www.texasattorneygeneral.gov/opinions](http://www.texasattorneygeneral.gov/opinions)

*Find an Attorney General Opinion*

**Search**



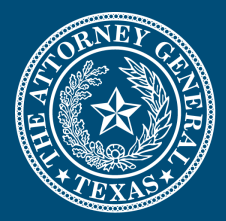
# Search by Topic

The OAG's website also maintains a subject index allowing you to view opinions issued on a specific topic.

[www.texasattorneygeneral.gov/opinions/categories](http://www.texasattorneygeneral.gov/opinions/categories)

## All Opinions Categories

- [Administrative Law](#)
  - [Administrative Procedure Act](#)
  - [Delegation of Duties](#)
  - [Health and Human Services Commission](#)
  - [Occupational and Professional Licenses](#)
- [Agriculture](#)
- [Alcoholic Beverages](#)
- [Amusements](#)
  - [Bingo](#)
  - [Gambling](#)



# Search by Opinion Number

If you have a specific opinion number that you are searching for, you may use the opinion index.

[www.texasattorneygeneral.gov/opinions](http://www.texasattorneygeneral.gov/opinions)

**Ken Paxton**

2015 - Present

[KP-0001 - KP-0273](#)

**Greg Abbott**

2002 - 2014

[GA-0001 - GA-1096](#)

**John Cornyn**

1999 - 2002

[JC-0001 - JC-0585](#)

**Dan Morales**

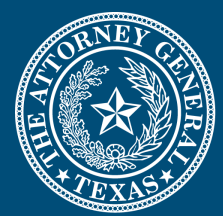
1991 - 1998

[DM-0001 - DM-0500](#)



# Effect of an Attorney General Opinion

- Attorney General opinions are not binding on the courts, but they are considered persuasive authority.
- Generally, the Office of the Attorney General has no authority to enforce its opinions.



# Opinion Notification Service

- The Office of the Attorney General provides an automated email opinion notification service to alert recipients when the Attorney General issues an opinion.
- Register for this service at:

[www.texasattorneygeneral.gov/about-office/email-subscriptions-center](http://www.texasattorneygeneral.gov/about-office/email-subscriptions-center)



# Further Questions?

Opinion Committee

(512) 463-2110

[opinion.committee@oag.texas.gov](mailto:opinion.committee@oag.texas.gov)

[www.texasattorneygeneral.gov/attorney-general-opinions](http://www.texasattorneygeneral.gov/attorney-general-opinions)