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The Senate of Texas

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June 21, 1999

RQ-0080-9C

The Honorable
John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

RECEIVED

JUN 25 1999

Opinion Committee

Dear General Cornyn:

This is to request an opinion pursuant to Section 402.042, Government Code, regarding whether a local branch of the Firefighter's and Police Officer's Civil Service Commission authorized under Chapter 143 of the Local Government Code can require local fire department job applicants to be United States citizens although no similar requirement exists under state law.

FACTS

Three non-United States citizens recently applied for a fire fighter positions with the Laredo Fire Department. Upon review of the applications and subsequent interviews, the Laredo Civil Service Commission denied these applications based partially on their status as citizens of Mexico. The Laredo City Council and Manager contend that LCSC's consideration of applicant citizenship status is unlawful.

QUESTIONS

Please provide an opinion regarding the following questions:

1. Does the Laredo Civil Service Commission's citizenship requirement disqualify non-United States applicants in violation of state law?

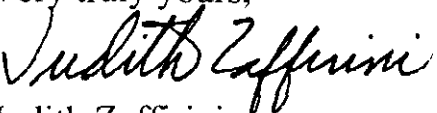
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2. Does Section 143.023(d), Local Government Code, which conditions an applicant's post-employment certification on the pre-employment citizenship statute justify the initial citizenship requirement?

I look forward to receiving your response to this request. Feel free to contact me if I can provide additional information.

May God bless you.

Very truly yours,


Judith Zaffirini

JZ/ps

XC: Florencio Peña, manager, The City of Laredo