

THE ATTORNEY GENERAL

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

An index to the full text of these documents is available from
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. 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: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Requests for Opinions

RQ-0092-KP

Requestors:

The Honorable Charles Schwertner

Chair, Committee on Health and Human Services

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

The Honorable Todd Hunter

Chair, Committee on Calendars

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: The status of Insurance Code article 21.52B, subsection 2(2), the Any Willing Pharmacy Statute, in light of federal court decisions (RQ-0092-KP)

Briefs requested by February 26, 2016

RQ-0093-KP

Requestor:

Ms. Brandy Lee

Upshur County Auditor

Post Office Box 730

Gilmer, Texas 75644

Re: Whether a county may participate in non-profit organization's flag project (RQ-0093-KP)

Briefs requested by February 26, 2016

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

TRD-201600507

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: February 2, 2016



Opinions

Opinion No. KP-0060

The Honorable Marco A. Montemayor

Webb County Attorney

1110 Washington Street, Suite 301

Laredo, Texas 78040

Re: Questions regarding the continuation of longevity pay after a county employee is elected to a county office (RQ-0042-KP)

S U M M A R Y

A commissioners court order granting longevity pay to certain qualified employees and allowing employees to transfer the longevity pay to another county department if they are hired there does not continue in effect for an individual who later becomes a county officer.

A county officer who does not challenge the officer's proposed salary in accordance with the procedure and deadline specified by subsection 152.016(a) of the Local Government Code in any given year has effectively waived any salary grievance for the upcoming fiscal year.

Opinion No. KP-0061

The Honorable Logan Pickett

Liberty County District Attorney

1923 Sam Houston, Suite 112

Liberty, Texas 77575

Re: Majority vote requirement to remove a municipal officer under section 22.077 of the Local Government Code and related questions (RQ-0043-KP)

S U M M A R Y

Subsection 22.077(a) of the Local Government Code authorizes a Type A general-law municipality to remove a municipal officer for incompetency, corruption, misconduct, or malfeasance at a regular meeting by a majority vote of those present and voting.

Subsection 22.077(b) of the Local Government Code authorizes a Type A general-law municipality to remove a municipal officer for a lack of confidence if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence.

For purposes of Local Government Code section 22.039, a "called meeting" of a Type A general-law municipality is a meeting called and held at a time or place other than the regular meeting time and place

adopted pursuant to subsection 22.038(a). An emergency meeting will be considered a called meeting for purposes of section 22.039 if it is held at a time or place other than the regular meeting time and place established by a resolution adopted pursuant to section 22.038.

Two-thirds of a municipality's aldermen constitute a quorum for purposes of convening a called emergency meeting of a Type A general-law municipality.

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

TRD-201600538
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: February 3, 2016

