

# THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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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>.)

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Requests for Opinions

**RQ-0102-KP**

**Requestor:**

The Honorable Rodolfo V. Gutierrez

Jim Hogg County Attorney

Post Office Box 847

Hebbronville, Texas 78361

Re: Whether section 49.052 of the Water Code disqualifies an employee of the County Attorney's Office from serving as a member of the board of a water control and improvement district in the same county, when the County Attorney also provides professional legal services to the water district (RQ-0102-KP)

**Briefs requested by April 18, 2016**

**RQ-0103-KP**

**Requestor:**

Michael Morath

Commissioner of Education

Texas Education Agency

1701 North Congress Avenue

Austin, Texas 78701-1494

Re: Procedures for requesting video surveillance of special education settings pursuant to Education Code section 29.022 (RQ-0103-KP)

**Briefs requested by April 1, 2016**

*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-201601336

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: March 21, 2016



Opinions

**Opinion No. KP-0070**

Mr. James M. Bass

Executive Director

Texas Department of Transportation

125 East 11th Street

Austin, Texas 78701-2483

Re: Whether Senate Bill 374, requiring state agency participation in the E-Verify program, supersedes Executive Order RP-80 (RQ-0055-KP)

**S U M M A R Y**

Section 673.002 of the Government Code supersedes Executive Order RP-80 with respect to the requirement that all state agencies must verify the employment eligibility of new employees through the Department of Homeland Security's E-Verify program.

With respect to the verification of employment eligibility of contractors and subcontractors by state agencies under the direction of the Governor, section 673.002 does not specifically supersede or preempt Executive Order RP-80.

**Opinion No. KP-0071**

The Honorable Harold V. Dutton, Jr.

Chair, Committee on Juvenile Justice and Family Issues

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Constitutionality of Senate Bill 1876, relating to the appointment of attorneys ad litem, guardians ad litem, mediators, and guardians (RQ-0060-KP)

**S U M M A R Y**

A court is unlikely to conclude that Senate Bill 1876 from the Eighty-fourth Legislature is unconstitutional under article II, section 1 of the Texas Constitution or is unconstitutionally vague.

**Opinion No. KP-0072**

The Honorable Jane Nelson

Chair, Committee on Finance

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Whether a school district, municipality, or county may reduce or repeal the local option homestead exemption from the amount that was adopted for the 2014 tax year through the 2019 tax year (RQ-0082-KP)

TRD-201601347  
Amanda Crawford  
General Counsel  
Office of the Attorney General  
Filed: March 21, 2016

**S U M M A R Y**

Subsection 11.13(n-1) of the Tax Code prohibits a school district, municipality, or county from repealing or reducing the local option homestead exemption from the amount that was adopted for the 2014 tax year through the 2019 tax year.

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