

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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Opinions

Opinion No. KP-0089

Mr. Ronald Kubecka
President and Chair
Lavaca-Navidad River Authority
Post Office Box 429
Edna, Texas 77957

Re: Whether river authorities may adopt regulations that prohibit the possession of firearms on river authority parklands (RQ-077-KP)

S U M M A R Y

Chapter 25 of the Parks and Wildlife Code does not authorize a river authority to adopt regulations that prohibit the open carry of handguns on river authority parklands.

Opinion No. KP-0090

Mr. Billy M. Doherty
Austin County Auditor
1 East Main Street
Bellville, Texas 77418

Re: What qualifies as a "judicial function" of a county judge such that the judge may claim a state salary supplement under section 26.006 of the Government Code (RQ-0078-KP)

S U M M A R Y

When a county judge is exercising criminal or civil jurisdiction as authorized by chapter 26 of the Government Code, the county judge is performing a judicial function for purposes of section 26.006.

To the extent that a county auditor has concerns regarding an improperly requested salary supplement under Government Code section 26.006, the auditor should confer with the Comptroller of Public Accounts regarding disbursing the supplement.

Opinion No. KP-0091

Ms. Christina Moreno
Bandera County Auditor
Post Office Box 563
Bandera, Texas 78003

Re: Whether article III, section 52 of the Texas Constitution prohibits a county from providing financial assistance to a nonprofit organization (RQ-0079-KP)

S U M M A R Y

A county entering into an agreement with Boys and Girls Clubs to provide the organizations funding will not violate article III, subsection 52(a) of the Texas Constitution as long as the county (1) ensures that the transfer is to accomplish a public purpose of the county, not to benefit private parties; (2) retains public control over the funds to ensure that the public purpose is accomplished and to protect the public's investment; and (3) ensures that the county receives a return benefit.

To the extent that the Boys and Girls Clubs of Bandera County provide services and support to children in need of protection and care, section 264.006 of the Family Code authorizes Bandera County to provide financial assistance to the organizations in furtherance of a statutory public purpose of the county, so long as the other constitutional requirements are met.

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

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