

THE ATTORNEY GENERAL

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Requests for Opinions, Opinions, Open Records Decisions.

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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>.)

Opinions

Opinion No. KP-0114

The Honorable Marco A. Montemayor

Webb County Attorney

1110 Washington Street, Suite 301

Laredo, Texas 78040

Re: Whether a member of a board of trustees of an independent school district may simultaneously serve as a member of a city planning and zoning commission (RQ-0104-KP)

S U M M A R Y

A court would likely conclude that a member of a board of trustees of the United Independent School District may not simultaneously serve as a member of the City of Laredo's planning and zoning commission.

Opinion No. KP-0115

Mr. David Mattax

Commissioner of Insurance

Texas Department of Insurance

Post Office Box 149104

Austin, Texas 78714-9104

Re: Under what circumstances Texas courts afford deference to agency interpretations of statutes (RQ-0110-KP)

S U M M A R Y

Texas state courts consider deferring to an agency's interpretation of a statute only when the agency adopts the construction as a formal rule or opinion after formal proceedings. Even when the agency has formally adopted a construction, a state court will defer to that construction only upon finding that ambiguity exists in the statute at issue and that the agency's construction is reasonable and consistent with the statute's plain language.

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

TRD-201605101

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: October 4, 2016

Office of the Attorney General

Requests for Opinions

RQ-0130-KP

Requestor:

The Honorable Richard Peña Raymond

Chair, Committee on Human Services

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Whether the State Long-Term Care Ombudsman may register a position and testify for or

against legislation pending before the Texas Legislature (RQ-0130-KP).

Briefs requested by November 3, 2016

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

TRD-201605116

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