



The Attorney General Opinion Process

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Legal Authority for AG opinions

“The Attorney General shall . . . give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law.”

Article IV, § 22 of the Texas Constitution



Who may request an AG opinion?

- ▶ Governor
- ▶ Head of a department of state government
- ▶ Head or board of a penal institution
- ▶ Head or board of an eleemosynary institution
- ▶ Head of a state board
- ▶ Regent or trustee of a state educational institution
- ▶ Committee of a house of the legislature
- ▶ County auditor
- ▶ Chair of the governing board of a river authority
- ▶ District or county attorney



State Agency Requestors

- ▶ With regard to state agencies, we accept requests from either the Executive Director or the appointed or elected head of the state agency or board.
 - Chairman, Texas Department of Motor Vehicles Board
 - Executive Director, Commission on Jail Standards
 - Commissioner, General Land Office
 - Presiding Officer, State Board of Acupuncture Examiners
- ▶ If a board has more than one member, the chair or presiding officer of the board should request the opinion.



Limitation on Opinion Authority

The Attorney General may not give legal advice or a written opinion to a person other than a person named in chapter 402, subchapter C, of the Government Code.

Section 402.045 of the Government Code



Appropriate Opinion Request Topics

- ▶ Questions affecting the public interest
- ▶ Questions concerning the official duties of the requesting person
- ▶ Questions addressing the meaning of current law

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