



## **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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"The Attorney General Opinion Process & Recent Opinions"