

THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. 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: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0518-KP

Requestor:

Mr. Dwayne Gott, CPA

Liberty County Auditor

310 Main Street

Liberty, Texas 77575

Re: Authority of a county commissioners court to adopt a policy prohibiting use of county-owned law enforcement vehicles in the performance of private security jobs outside the county (RQ-0518-KP)

Briefs requested by November 27, 2023

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

TRD-202304025

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: October 31, 2023



Opinions

Opinion No. AC-0001

The Honorable Dee Hobbs

Williamson County Attorney

405 M.L.K. Street, #7

Georgetown, Texas 78626

Re: Whether, under Texas Constitution article XVI, section 40, a state employee receiving all or part of their compensation from state funds may also receive compensation as an elected member of the Hutto City Council (RQ-0498-KP)

S U M M A R Y

Article XVI, subsection 40(b) of the Texas Constitution prohibits a state employee who receives all or part of their compensation from state funds from receiving a salary for serving as an elected member of the Hutto City Council. As the Hutto City Council has construed the per-meeting payment provided by subsection 3.04(b) of the Hutto City Charter to constitute "salary" under article XVI, subsection 40(b), a state employee serving as a council member must decline the charter's salary payment in order to comply with article XVI, subsection 40(b).

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

TRD-202304014

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: October 30, 2023

