

THE ATTORNEY GENERAL

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Requests for Opinions

RQ-0535-KP

Requestor:

The Honorable Brian Birdwell

Chair, Senate Committee on Natural Resources & Economic Development

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Calculation of "average land value" under Local Government Code section 212.209 (RQ-0535-KP)

Briefs requested by April 5, 2024

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

TRD-202401124

Justin Gordon

General Counsel

Office of the Attorney General

Filed: March 12, 2024



Opinions

Opinion No. KP-0459

The Honorable Constance Filley Johnson

Victoria County Criminal District Attorney

205 North Bridge, Suite 301

Victoria, Texas 77901-8085

Re: Authority of a water control and improvement district to use surplus funds from its interest and sinking fund (RQ-0467-KP)

SUMMARY

A court would likely conclude that a water control and improvement district may not use surplus moneys in its interest and sinking fund to reduce indebtedness related to a future potential bond issuance.

Moreover, while we generally do not determine facts in attorney general opinions, we encourage the District to reassess the feasibility of providing a refund of the surplus moneys to taxpayers.

Opinion No. KP-0460

The Honorable Charles Perry

Chair, Senate Committee on Water, Agriculture, & Rural Affairs

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Whether the refund of court costs required by Health and Safety Code subsection 571.018(j) is limited to patients who are committed to a mental health facility (RQ-0515-KP)

SUMMARY

Health and Safety Code subsection 571.018(j) requires court costs paid or advanced by certain inpatient mental health facilities to be refunded where its statutory requirements are met. Health and Safety Code subsection 571.018(h) generally prohibits the State and counties from paying costs for a patient committed to a private mental hospital unless its statutory requirements are met. Subsection 571.018(h) excepts some costs associated with certain hearings and proceedings from its general prohibition against payment. Nothing in either subsection limits the scope of subsection 571.018(j) to only court costs concerning individuals that have been committed. Accordingly, refunds under subsection 571.018(j) are not limited to only those hearings or proceedings involving commitment.

Opinion No. KP-0461

The Honorable John Fleming

Nacogdoches County Attorney

101 West Main Street, Room 230

Nacogdoches, Texas 75961

Re: Calculation of the amount "not to exceed one-fourth of one percent" in Texas Special District Code section 1069.211, governing the Nacogdoches County Hospital District's allocation of its sales and use tax revenue for economic development (RQ-0516-KP)

SUMMARY

A court would likely conclude Special District Local Laws Code section 1069.211 authorizes the Nacogdoches County Hospital District to allocate for economic development up to one-fourth of one percent (0.01 x 0.25) of its annual sales and use tax revenue.

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

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Justin Gordon
General Counsel
Office of the Attorney General
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