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October 28, 1991

Hon. Dan Morales, Attorney General of Texas  
P. O. Box 12548, Capitol Station  
Austin, Texas 78711-2548

RECEIVED  
NOV 01 91  
Opinion Committee

EXPEDITED CONSIDERATION REQUESTED

Re: Opinion request regarding licensing exemption for constables  
elected prior to September 1, 1985

Dear General Morales:

As with most counties in this state, Kerr County is presently engaged in the redistricting process. As a part of that process, the commissioners' court of Kerr County is attempting to align the county's justice and constable precincts with those of its four commissioners. If the plan is approved by the Justice Department, Kerr County's Justice Precincts Four and Five will be combined to form a single Precinct Four.

Presently, the offices of constable in both precincts are occupied. The Constable of Precinct Four was appointed and must, therefore, run for the office in 1992. The Constable of Precinct Five was elected and, since his term expires in 1992, must also run for the new office.

Neither constable is a licensed peace officer. The Constable of Precinct Five, T. D. Hall, however, was elected to that office prior to September 1, 1985, and has been continuously re-elected to that office for fifteen years. Additionally, he has over forty years in law-enforcement and related fields.

Section 415.053 of the Government Code requires that "[a]n officer elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must be licensed by the [Texas Commission on Law Enforcement Officer Standards and Education] not later than two years after the date that the officer takes office." TEX. GOV. CODE § 415.053 (Vernon 1990). The commission has the duty to establish requirements for licensing and

[REDACTED]

for revocation, suspension, cancellation, or denial of the license of such officer. *Id.*

Subsection 415.015(c), however, states that "[Chapter 415] does not affect a constable or other officer or county jailer elected under the Texas Constitution before September 1, 1985...." TEX. GOV. CODE § 415.015(c) (Vernon 1990) (emphasis added).

Question Presented

Where redistricting combines two constable precincts, thereby effectively abolishing one or both of the precincts, would the constable of an eliminated office, who was elected to the office prior to September 1, 1985, be entitled to the exemption from the licensing requirements of Chapter 415 of the Government Code if he were to be appointed or elected to the newly created precinct?

Exempted by Subsection 415.015(c)

As referenced above, subsection 415.015(c) exempts from the application of Chapter 415 those constables elected before September 1, 1985. TEX. GOV. CODE § 415.015(c) (Vernon 1990). The statute is plain and unambiguous and, as such, will ordinarily be interpreted literally. *Bd. of Ins. v. Guardian Life Ins. Co.*, 142 Tex. 630, 180 S.W.2d 906, 909 (1944); 67 Tex.Jur.3d Statutes § 112 (1989). An exception contained within an act will likewise be construed according to its fair and proper meaning. *Id.* at § 120.

The fundamental rule controlling the construction of a statute is to determine, if possible, the intent of the legislature as expressed in the language of that statute. *Crimmins v. Lowery*, 691 S.W.2d 582, 584 (1985) (emphasis added). Where the language in a statute is unambiguous, the intent of the legislature is to be found in the plain and common meaning of words and terms used. *Moreno v. Sterling Drug, Inc.*, 787 S.W.2d 348, 352 (Tex. 1990). There is no need to resort to any further rules of construction. *Coastal States Crude Gathering Co. v. State Property Tax Bd.*, 747 S.W.2d 61, 63 (Tex. App.--Austin 1988, no writ); *Helle v. Hightower*, 735 S.W.2d 650, 652 (Tex. App.--Austin 1987, writ denied); *McCulloch v. Fox & Jacobs, Inc.*, 696 S.W.2d 918, 921 (Tex. App.--Dallas 1985, writ ref'd n.r.e.).

The language of subsection 415.015(c) is plain and unambiguous; it is absolute in its application. It is not dependent on continuous service or upon changes in office. Under subsection 415.015(c), therefore, the only question is whether the constable (T. D. Hall) was elected prior to September 1, 1985. If he were elected prior to September 1, 1985, then no part of Chapter 415 applies to him and he is absolutely and unqualifiedly exempt from licensing.

TCLEOSE Rule 211.82

Chapter 415 of the Government Code establishes the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) and provides for the education and licensing of law-enforcement officers. TEX. GOV. CODE, Chap. 415 (Vernon 1990). Under the authority of Chapter 415, the commission is given the power to "adopt rules for the administration of [Chapter 415]." TEX. GOV. CODE, § 415.010(1) (Vernon 1990). The commission is further empowered to "establish minimum standards relating to competence and reliability, including educational, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security officer. *Id.* at (10).

After its creation, the commission passed rule 211.82 which states, in part:

(h) The commission may issue a permanent peace officer or jailer license to any person who is otherwise qualified for that license, even if that person is not subject to the licensing law or rules because of holding a commission by virtue of election or appointment to office under the Texas Constitution.

(i) The commission shall issue a permanent peace officer license to any peace officer, elected or appointed under the Texas Constitution after September 1, 1985, if that officer meets all the minimum standards for peace officer licensing, including the training and testing requirements. Such license shall be subject to revocation as any other peace officer license issued by the commission. This subsection shall not apply to:

(1) a sheriff; or

(2) a constable or any other constitutional peace officer who first assumed office before September 1, 1985, even if re-elected after that date unless there was a break in office and that officer was then re-elected after that date to that or another office as a constitutional peace officer.

Tex. Comm'n on Law Enforcement Off. Stand. and Educ., 37 TEX. ADMIN. CODE § 211.82 (Hart 1989) (emphasis added).

Subsection (i) provides that "the commission shall issue a...license to any peace officer elected or appointed...after September 1, 1985, if that officer meets all the minimum standards...." Tex. Comm'n on Law Enforcement Off. Stand. and Educ., 37 TEX. ADMIN. CODE § 211.82(i) (Hart 1989) (emphasis added). The subsection is a command to issue a license to those constables

who are elected or appointed after September 1, 1985, as long as they have met the minimum standards. *Id.* By its own terms, therefore, that subsection applies only to those peace officers elected or appointed under the constitution after September 1, 1985. Since Constable Hall was elected prior to that date, subsection (i) does not apply to him. *Id.* Licensing of persons, such as Constable Hall, who are not subject to Chapter 415, is permissive under subsection (h) of section 211.82. *Id.* at (h).

Subsection (i), however, contains a purported "exemption" from the application of the subsection for constables who first assumed office before September 1, 1985, and contains certain limitations. *Id.* at (i)(2). The first limitation precludes the application of subsection (i) to those constables "...who first assumed office before September 1, 1985...." *Id.* Since the body of subsection (i) only applies to constables elected or appointed after September 1, 1985, this part of the "exemption" is redundant. *Id.* at (i). It is, however, consistent with subsection 415.015(c). See, TEX. GOV. CODE § 415.015(c) (Vernon 1990).

It is the limiting language contained in the second part of (i)(2) that has created a problem. Specifically, it prohibits the application of (i)(2) where a constable:

- has had a break in office and
- who is then re-elected to that or another constitutional peace-officer office.

Under subsection (i)(2), therefore, if a constable has a break in office and is re-elected, then subsection (i) applies to him. Assuming, *arguendo*, that redistricting has created a break in Constable Hall's office and he is later elected to the new Precinct Four, he is then subject to subsection (i). That subsection, however, only applies to peace officers elected or appointed after September 1, 1985. Subsection (i), whatever its meaning, is therefore not applicable to constables elected prior to September 1, 1985. Under the commission rules, therefore, Constable Hall is not required to obtain a license regardless of any break in office or re-election to a different office. To hold otherwise would grant unauthorized powers to the commission.

#### Authority of the Commission

The Texas Commission on Law Enforcement Officer Standards and Education is an agency of the State of Texas. TEX. GOV. CODE § 415.002 (Vernon 1990). As such it is a "creature of the legislature" and only possesses powers that the legislature expressly delegates to it. *State v. Jackson*, 376 S.W.2d 341, 344 (Tex. 1964); *Stauffer v. City of San Antonio*, 162 Tex. 13, 344 S.W.2d 158, 160 (1961); *Cent. Educ. Agency v. Sellhorn*, 781 S.W.2d 716, 718 (Tex. App.--Austin 1989, writ denied). As such, it has no

inherent authority. *Sexton v. Mt. Olivet Cemetery Ass'n*, 720 S.W.2d 129, 137 (Tex. App.--Austin 1986, writ ref'd n.r.e.). Such agencies may only exercise those powers granted by statute, together with those necessarily implied from the statutory authority conferred or duties imposed. *City of Sherman v. Pub. Util. Comm'n*, 643 S.W.2d 681, 686 (1983); *Stauffer*, 344 S.W.2d at 160; 2 TEX.JUR.3D *Administrative Law* § 11 (1979). No additional authority may be implied by judicial construction. *Guardian Life Ins. Co.*, 180 S.W.2d at 908 (1944); *Sexton*, 720 S.W.2d at 137; *Westland Film Indus. v. State Bd. of Ins.*, 697 S.W.2d 621, 624 (Tex. App.--Austin 1985), rev'd other g'nds 705 S.W.2d 695 (Tex. 1986), on remand, 709 S.W.2d 762.

To have the power to require a license, an agency must receive specific statutory authority for its license requirement. *State Bd. of Morticians v. Cortez*, 160 Tex. 532, 333 S.W.2d 839, 841 (1960); 10 TEX.JUR.3D *Business and Occupation Licenses* § 4 (1980). Although Chapter 415 of the Government Code gives the commission general licensing authority, it absolutely and unqualifiedly excludes from that power those constables elected prior to September 1, 1985. TEX. GOV. CODE § 415.015(c) (Vernon 1990). The general licensing and rule-making powers granted to the commission do not give it such authority. See generally, *Cortez*, 333 S.W.2d at 841.

Further, when the legislature acts with respect to a particular matter, an agency may not act with respect to that matter so as to nullify the legislature's action, even though the matter may be within the agency's general regulatory field. *Jackson*, 376 S.W.2d at 345; *Sellhorn*, 781 S.W.2d at 718.

The legislature, therefore, has specifically excluded from TCLEOSE's statutory authority the power to regulate those constables elected prior to September 1, 1985. Where a power is granted, and the method of its exercise prescribed, the prescribed method excludes all others and must be followed. *Cobra Oil & Gas Corp. v. Sadler*, 447 S.W.2d 887, 892 (Tex. 1968); *Foster v. City of Waco*, 113 Tex. 352, 255 S.W. 1104 (1923). See generally, *City of Sherman v. Pub. Util. Comm'n*, 643 S.W.2d 681, 684-86 (Tex. App.--Austin 1983, no writ). Conditions, restrictions, or requirements may not ordinarily be read into an unambiguous statute. See generally, *Employers' Liability Assur. Corp. v. Young County Lumber Co.*, 122 Tex. 647, 64 S.W.2d 339, 342 (1933); *Chambers v. Robison*, 107 Tex. 315, 179 S.W. 123, 124 (1915).

Nor may an agency enlarge its powers by its own orders. *State v. Robison*, 119 Tex. 302, 30 S.W.2d 292, 297 (1930); *Railroad Comm'n v. Fort Worth & D. C. Ry. Co.*, 161 S.W.2d 560, 561 (Tex. Civ. App.--Austin 1942, writ ref'd w.o.m.); 2 TEX.JUR.3D *Administrative Law* § 11 (1979). It would be strange indeed if an agency could, by mere process of construction, create for itself a power which the legislature has not given to it. *Railroad Comm'n*

of *Texas v. Atchison, Topeka R.R.*, 609 S.W.2d 641, 645 (Tex. Civ. App.--Austin 1980, writ ref'd n.r.e.).

If TCLEOSE rule 211.82 is construed to allow the commission to require licensing of constables elected prior to September 1, 1985, said rule is *ultra vires* and therefore void.

Attorney General Opinion JM-1149

However, Attorney General Opinion JM-1149 recently upheld the application of rule 211.82(i) to a constable whose tenure of office ceased on December 31, 1984, and who did not resume office until January 1, 1989. Op. Tex. Att'y Gen. No. JM-1149 (1990). In reaching his opinion, General Mattox did not discuss the language of the rule itself but appeared to assume that its language required those constables with a break in service or in office to comply with the licensing rules of the commission. *Id.*

In that opinion, General Mattox correctly stated that "[t]he courts will give weight to an agency's interpretation of a statute, but will not respect an agency's interpretation contrary to the clear meaning of an unambiguous statute." *Id.*, citing, 2 Tex.Jur.3d *Administrative Law* § 7 (1979). As shown above, however, TCLEOSE has no authority to interpret, restrict, condition, or expand upon subsection 415.015(c). The exemption expressed in subsection 415.015(c) is clear, absolute, and unambiguous. TEX. GOV. CODE § 415.015 (Vernon 1990). There is nothing to interpret. *Id.* If rule 211.82 is construed to require licensing of constables elected prior to September 1, 1985, such a construction is contrary to the clear and unambiguous language of subsection 415.015(c) and would create, by implication, a power the legislature expressly denied.

Implications of agency authority are permissible only when a court has first concluded that the legislature obviously intended the agency to have the power it claims by implication. *Commonwealth of Massachusetts v. United N. & S. Dev. Co.*, 140 Tex. 417, 168 S.W.2d 226, 229 (1942) (emphasis added). It is permitted to supply obvious intent not expressly stated but never to contradict or add to a statute. *Id.* Where the intent may be gathered from a reasonable interpretation, it is not permissible to interpret by implication. Departmental practice is important when an administrative agency is confronted with an ambiguous statute, but it affords no basis for practices which are contrary to the plain meaning of statutes. *Brown Express, Inc., v. Railroad Comm'n*, 415 S.W.2d 394, 397 (1967).

General Mattox reasoned that, since subsection 415.015(c) is a "grandfather" clause and since rule 211.82(i)(2) is consistent with the construction the courts have given "grandfather" clauses, then rule 211.82 is not contrary to section 415.015. Op. Tex. Att'y Gen. No. JM-1149 (1990). In support, General Mattox cited

the Supreme Court of Arizona in *State Bd. of Dispensing Opticians v. Schwab*, 380 P.2d 784 (1963), for the proposition that "[g]randfather' clauses are generally found where occupations not formerly regulated by statute are brought under legislative control. They permit those who have been in continuous practice in the particular occupation for a prescribed period immediately preceding the effective date of the act to receive a license." Op. Tex. Att'y Gen. No. JM-1149 (1990) (emphasis added).

Since the constable who was the subject of that opinion had not been in continuous service immediately preceding September 1, 1985, the general concluded that the constable was not entitled to the exception provided in subsection (c) of section 415.015. *Id.* (emphasis added).

It should be noted that the cited proposition refers to "grandfather" clauses as authorizations for granting of a license to those who have been in continuous practice for a prescribed period immediately preceding the effective date of the regulatory act. Op. Tex. Att'y Gen. No. JM-1149 (1990) (emphasis added). Under Texas law, the purpose of "grandfather" provisions is to exempt from statutory regulations those members who have acceptably followed their profession or trade for a required number of years. *Bloom v. Texas State Bd. of Exam. of Psychologists*, 492 S.W.2d 460, 461 (Tex. 1973); *10 Tex.Jur.3d Business and Occupation Licenses* § 21 (1980). Such exemptions are based on the presumption that those already practicing their profession were lawfully and satisfactorily performing their services on the date the regulatory act became effective. *Id.* Subsection 415.015(c), therefore, does not mandate that the "grandfathered" constables be granted a license--it exempts from regulation entirely that class of constables who were elected prior to September 1, 1985. Under either view, the effect is to remove from the licensing agency the authority to require such persons to comply with its licensing requirements.

Without addressing the correctness of JM-1149, it should be limited to its facts and narrowed to require licensing only where a constable or other officer has not continuously held office on the effective date of the regulatory act. At best, the construction of rule 211.82 should be limited to clear "breaks" in service and not technical "oustings". The extension of the holding of JM-1149 to this fact situation, however, would violate the clear and unambiguous terms of subsection 415.015(c).

#### Application of 211.82

If rule 211.82 is valid and applicable, it should be construed so as to allow the subject constable's exemption to continue. The loss of office due to redistricting should not be considered a "break in office." This is especially true where the abolished precinct is located entirely within the geographic confines of the

new precinct. All that will have changed is the precinct number and the addition of territory.

Equity would demand, at a minimum, that this action not be construed a break in office should Constable Hall be elected to the new Constable Precinct Four office. Nor should he be denied the exemption if he is later elected to office. His many years of public service in law enforcement should carry some weight.

#### Position of TCLEOSE

Although this office is without the benefit of a formal ruling on this matter from the commission, our efforts to obtain such a finding, coupled with the published statements of the commission's general counsel, Johanna McCully-Bonner, lead us to the conclusion that the commission asserts that it has the authority to require licensing of exempt constables, under commission rule 211.82(i), when the constable has had a break in service and is subsequently re-elected. See, McCully-Bonner, *TCLEOSE Clarifies the Licensing Requirements for Constables*, Vol. 21, No. 2, TEX. PROSECUTOR, Mar./Apr. 1991, at 10, a copy of which is attached hereto. The position of the commission, or at least its general counsel, is that the commission has such authority on one or more of the following grounds:

1. Its rule-making authority,
2. Attorney General Opinion JM-1149 (1990),
3. A construction of Chapter 415 that would read subsection 415.015(c) and section 415.05 *in pari materia*.

We have addressed the rule-making authority of the commission and JM-1149 above. We would also point out that, even if such authority exists, the above discussion demonstrates that rule 211.82 does not require licensing of constables elected prior to September 1, 1985.

The remaining issue, therefore, is Ms. McCully-Bonner's assertion that subsection 415.015(c) must be read in conjunction with section 415.053. McCully-Bonner, *TCLEOSE Clarifies the Licensing Requirements for Constables*, Vol. 21, No. 2, TEX. PROSECUTOR, Mar./Apr. 1991, at 10.

Section 415.053 is entitled, "Licensing of Certain Law Enforcement Officers Elected under Texas Constitution or Statute." TEX. GOV. CODE § 415.053 (Vernon 1990). It states, in pertinent part:

An officer elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must be licensed by the commission not later than

two years after the date that the officer takes office. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of a license of such an officer.

As explained above, however, subsection 415.015(c) expressly excludes constables elected prior to September 1, 1985, from the application of Chapter 415. TEX. GOV. CODE § 415.015(c) (Vernon 1990). The Revisor's Note under section 415.035 underscores this intent wherein it states "[t]he revised law omits the provision of former V.A.C.S. Article 4413(29aa) excluding sheriffs from the application of the source law because the same limitation is provided by Section 415.015(c), Government Code."

The source law referred to in the Revisor's Note, V.A.C.S. Article 4413(29aa), additionally excludes constables or other law-enforcement officers elected under the Texas Constitution prior to September 1, 1985. See, Act of 69th Legislature, Regular Session, effective September 1, 1985, ch. 907, §§ 1(21)-2(f), amending, TEX. REV. CIV. STAT. art. 4413(29aa) (repealed 1987). The exemption for law-enforcement officers elected under the Texas Constitution has existed since the creation of the agency in 1965. TEX. REV. CIV. STAT. ANN. art. 4413(29aa) § 6(f) (Vernon 1976) (repealed 1987). The "grandfather clause" which limited the exemption to constables and other law enforcement officers elected prior to September 1, 1985, came into effect in 1985. See, Act of 69th Legislature, Regular Session, effective September 1, 1985, ch. 907, §§ 1(21)-2(f), amending, TEX. REV. CIV. STAT. art. 4413(29aa) (repealed 1987). Commission rule 211.82 did not become effective until February 1, 1989.

Article 4413(29aa) was repealed in 1987 as a part of the enactment of the Texas Government Code. See, Act of 70th Legislature, Regular Session, effective September 1, 1987, ch. 147, §§ 1 and 6. That act was enacted pursuant to Article III, Section 43, of the Texas Constitution and was intended as a recodification only. No substantive change in the law was intended. See, *id.* at § 7; see also, *id.* at 55 (citing § 6(f) of art. 4413(29aa)).

There is, therefore, ample evidence that the legislature intended for constables to be completely excluded from the application of Chapter 415, of which section 415.053 is clearly a part. The conclusion is inescapable that section 415.053 is subject to the subsection 415.015(c) exemption and it is improper to attempt to read them together. This is especially true where such a construction would empower an agency to regulate in an area specifically denied them.

Further, there is no basis, under the rules of statutory construction, for reading section 415.053 and subsection 415.015(c) together. Rules for interpreting statutes are designed to aid the courts in ascertaining legislative intent, in cases of doubt, and

they may be applied and used only for that purpose. 67 Tex.Jur.3d Statutes § 86 (1989). In construing statutes, the canons of construction are merely tools to aid in ascertaining that intent. *Id.* at § 85. Such tools are useful only in case of doubt; they should never be used to create doubt, but only to remove it. *Id.* Resort may be had to those tools only when necessary to determine the meaning of an unambiguous statute. *Id.* at § 87. *It is improper to construe or interpret a statute when, as here, the law is expressed in plain and unambiguous language. Id.* (emphasis added).

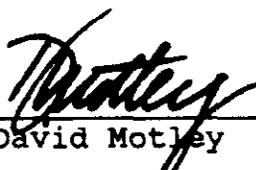
Conclusion

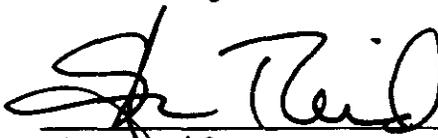
Constable Hall is exempt, under subsection 415.015(c) of the Government Code, from the licensing requirements of the Texas Commission on Law Enforcement Officer Standards and Education, regardless of any technical breaks in office due to redistricting, and may serve as Constable [new] Precinct Four, Kerr County, Texas, if elected or appointed to that position.

We appreciate your consideration of this matter and would request expedited consideration of this matter because the filing period begins on December 3, 1991, and closes on January 3, 1992.

Respectfully submitted,

DAVID MOTLEY  
KERR COUNTY ATTORNEY

  
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David Motley

  
\_\_\_\_\_  
Stan Reid  
Assistant Kerr County Attorney

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enclosure

**PROSECUTOR**

To *Bridges*, District Attorney, Sinton

**Two former TDCAA past-presidents no longer in prosecution:**

*Honorable Oliver S. Kitzman*, retired District Judge, Brookshire  
*Tom Hanna*, Attorney-at-law, Beaumont

**Two criminal law specialists with special expertise in the area of prosecution standards:**

*John J. Douglass*, Dean, National College of District Attorneys, Houston  
*Dain P. Whitworth*, Attorney-at-Law, Austin

Two members remain to be appointed by Governor Ann Richards.

**TCLEOSE clarifies the licensing requirements for constables**

by *Johanna McCully-Bonner*, General Counsel, TCLEOSE

The Texas Commission on Law Enforcement Officer Standards and Education (the "Commission") has received a number of inquiries from County Attorneys, District Attorneys, and their investigators regarding the licensing requirements of Constables elected or appointed to office after September 1, 1985. The enabling legislation of the Commission, Chapter 415, Government Code, provides in subsection 415.015(c) that "this chapter does not affect a constable or other officer or county

jailer elected under the Texas Constitution before September 1, 1985,..."

Subsection 415.015(c), however, must be read in conjunction with Section 415.053, entitled Licensing of Certain Law Enforcement Officers Elected Under Texas Constitution or Statute. This section provides that an officer elected under the Texas Constitution or a statute or appointed to fill a vacancy in an elective office must be licensed by the Commission not later than two years after the date that the officer takes office. The section directs the Commission to establish requirements for licensing and enforcement actions. The Section also states the following: "It is incompetency and a ground for removal from office under Title 100, Revised Statutes (Chapter 87, Local Government Code) or any other removal statute if an officer to whom this section applies does not obtain the license by the required date or does not remain licensed".

Pursuant to this legislative directive, the Commission promulgated Section 211.82 of the Rules of the Commission entitled "Issuance of License." Subsection 211.82(i) provides that any peace officer elected or appointed under the Texas Constitution after September 1, 1985 will be licensed if that officer meets all the minimum standards for a peace officer license, including the training and testing requirements, and further provides that the license is subject to revocation as any other peace officer license. This subsection also indicates that a constable who first assumed office before September 1, 1985, but who was subject to a break in office may be subject to these requirements if the break in office occurred on or after September 1,

1985. (Attorney General Opinion JM-1149 (March 2, 1990))

As a general rule, a person who, after September 1, 1985, assumes the duties of a constable must meet the licensing requirements as provided in Section 211.80 of the Rules of the Commission entitled Minimum Standards for Licensing. Inquiries regarding removal under Section 415.053 are referred to local prosecutors. The Commission staff will be pleased to provide any assistance necessary to answer questions. Please contact Jack Irwin at (512) 450-0188.

**Government Lawyer Section now established**

The option to join the new organized Government Lawyer Section of the State Bar of Texas will appear on this year's annual dues statement, which will be mailed out on April 15. There is a \$10 fee to participate in the Section. Membership is open to lawyers in public service for federal, state, or local government, including district attorneys, U.S. attorneys, municipal attorneys, briefing attorneys, attorneys general, and state agency employees.

"The Section cuts a broad path, but we have substantial areas of law that we deal with on a daily basis that overlap," says Assistant Harris County Attorney Marsha Floyd, who prepared the proposal for the new Section.

According to Floyd, the following issues could be addressed by the new Section:

- Reduced State Bar dues for lawyers in public service.