



RD-680

**COMMITTEE on JUDICIAL AFFAIRS**

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16 March 1994

SJS

FILE # ML 25305-94

I.D.# 25305

received 3/18/94  
by dabv

The Honorable Dan Morales  
Attorney General of Texas  
Price Daniel, Sr., State Office Building  
Austin, Texas 78711

RE: Request for Attorney General's Opinion, clarification of DM-278

Dear General Morales:

I have been requested to seek your further counsel regarding Opinion Number DM-278 in which you state that county school administrations are school districts within the meaning of Tex. Education Code § 21.939 which restricts school districts from employing persons whose primary job duties are activities related to proposed legislation or administrative action or persons who are required to register under Chapter 305 of the Government Code.

I am seeking clarification of this opinion as it regards the employment of such personnel by school districts from purely local funds. Does Section 21.939 restrict school districts from using local funds to employ persons to monitor the activities of and supply information to legislators and state administrative agencies?

Further, if Section 21.939 does prohibit the use of local funds to hire persons engaged in lobbying activities, does Section 21.939 violate the free speech and equal protection clauses of the constitutions of the United States and Texas? Inasmuch as other units of local government with elected bodies are permitted to employ such persons, it does not seem that the Legislature could permissibly restrict the rights of some, but not all, local governmental bodies. All elected school boards must operate under very complex state mandates and rules regarding curricula, programs, administration and other duties. Moreover, local school districts receive significant portions of their funding from the State under complex formulae that few Texans, other than education finance experts, understand. It would seem that limiting the rights of such local governmental units to obtain information regarding proposed changes in laws and rules and allowing them to adequately prepare and provide information on such proposals is both arbitrary and unreasonable when compared to other local governmental units.



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Staff: M. W. Johnson, Committee Counsel

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Your consideration of my request is appreciated. I look forward to hearing your response.

Sincerely,

  
Senfonia Thompson  
Chair, House Judicial Affairs Committee