

Richard Lingle
Criminal Investigator



Angela Norton
Assistant Criminal District Attorney

Tim Cone
Criminal District Attorney

UPSHUR COUNTY JUSTICE CENTER
903-843-5513 FAX 903-843-3661
405 NORTH TITUS STREET
GILMER, TEXAS 75644

RECEIVED

MAY 06 2002

OPINION COMMITTEE

RQ-0540-JC

April 30, 2002

Hon. John Cornyn
Office of the Attorney General
Opinion Committee
Post Office Box 12548
Austin, Texas 78711-2548

FILE # ML-42584-D2
I.D. # 42584

Re: Request for an Attorney General Opinion

Dear General Cornyn:

Please consider this a request for an Attorney General's Opinion to consider the following issue:

(1) Whether Section 130.908 of the Local Government Code applies to an Incumbent County Commissioner that is not re-elected at the time of the Primary election or does it only apply to the General election. (2) Does the Statute require prior approval of any expenditure by incumbent County Commissioner who is not re-elected?

Please be advised that these questions have arisen regarding the above referenced Statute. Since there is no Attorney General opinion on this matter that I could find, there was actually no research, it seemed to me, to do in completing this request. Therefore, I have completed no research and offer no substantial opinion other than that the Statute does not seem to require to me prior approval of any expenditures. Since this matter does affect day to day business and the question has come up in our county, an expedited opinion would be very much appreciated in the matter.

Thank you for your cooperation and attention.

Sincerely,

A handwritten signature in black ink, appearing to be "Tim Cone".

Tim Cone

TC/mb

cc: Commissioner's Court