

State of Texas
House of Representatives

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JUN 18 1999

ATTORNEY GENERAL'S OFFICE

Liz Robinson



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P.O. Box 777

Alpine, TX 79831-0777
(915) 837-7383

Opinion Committee

Pete P. Gallego

District 74

P.O. Box 2910

Austin, Texas 78768-2910
(512) 463-0566

P.O. Box 420663
Del Rio, TX 78842-0663
(830) 774-0800

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June 17, 1999

The Honorable John Cornyn
Office of the Attorney General
P.O. Box 12548
Austin, TX 78711-2548

Dear General Cornyn:

Under the Texas Government Code, counties of over 200,000 are required to maintain a veterans service officer. However, such an officer is optional for counties under 200,000 in population. See *Texas Government Code*, §434.032.

Though maintaining a county veterans service officer is optional in some cases, Texas law seems to require that, if a county does maintain such an office, the veterans service officer must be a veteran. See *Texas Government Code*, §434.033(b)(3). Recently, this issue has arisen in Pecos County after the retirement of a long-time county veterans service officer.

As Chair of the House General Investigating Committee, I request your opinion on the following questions regarding veterans county service officers:

- (1) May a person serve as a veterans county service officer under Subchapter B, Chapter 434, Government Code, if the person does not meet the requirement stated by §434.033(b)(3), Government Code?
- (2) If the answer to the first question is no, may the appointment of an individual who does not meet the statutory qualifications be challenged if the individual has already been duly appointed by a county commissioners' court?

Letter to Attorney General Cornyn re county veterans service officer
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- (3) Finally, if such an appointment can be challenged, is there a process (such as quo warranto) which would govern such a legal challenge or removal action and who would be qualified to initiate such an action?

Thank you for your consideration to this matter. If you need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete P. Gallego". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the left.

Pete P. Gallego

PPG/wd