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RQ-0632-JC

November 18, 2002

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

OPINION COMMITTEE

FILE # ML-42898-02

ID # 42898

RE: Request for Attorney General Opinion's Opinion Regarding the  
Applicability of the Public Information Act to the Texas Water  
Advisory Council

Dear General Cornyn:

In 2001, the 77th Texas Legislature adopted Senate Bill 2 which created the Texas Water Advisory Council (TWAC) with the addition of Chapter 9 to the Texas Water Code. Tex. Water Code Ann. § 9.001-.017 (Vernon 1988). The TWAC was established to both provide a focus and generate recommendations on state water issues. Specifically, the TWAC provides a forum for analysis of surface water authorities as well as offer advice and promote policy initiatives such as the key tenets of S. B. 2; adequate financing for surface water and groundwater projects; coordination of governmental efforts in improving environmental quality along Texas' borders; and flexibility and incentives for water desalination, brush control, and weather modification.

S.B. 2 established that the membership of the TWAC would consist of thirteen individuals including ex-officio, appointed, and public members. The TWAC was prohibited by statute from adopting rules, regulating any aspect of water resource management or establishing any water resource management standards.

The enabling language for the TWAC found in S.B. 2 expressly states in Section 9.006 (b) that the TWAC is subject to the Open Meetings Act and the Administrative Procedures Act. Tex. Water Code Ann. § 9.006 (b) (Vernon 1988); Tex. Gov't Code Ann. § 551.001-.146 (Vernon 1988); Tex. Gov't Code Ann. § 2001.001-.902 (Vernon 1988). But the applicability of the Public Information Act to the TWAC was not expressly addressed and, thus, leads to the implication that the TWAC is not subject to the requirements of the Act.

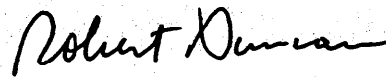


Based on the foregoing, I respectfully submit the following question for your opinion:

**Is the Texas Water Advisory Council subject to the requirements of the Public Information Act - Chapter 552, Texas Government Code?**

Your prompt attention to this issue would be greatly appreciated. Please do not hesitate to contact me should you require additional information.

Yours very truly,

A handwritten signature in cursive script that reads "Robert Duncan".

Robert Duncan