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OPINION COMMITTEE

DISTRICT ATTORNEY
JACK & WISE COUNTIES
271ST JUDICIAL DISTRICT
COURT OF TEXAS

FILE # MJ-45586-08
I.D. # 45586

12 March 2008

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

The Honorable Greg Abbott
Attorney General of Texas
Office of the Attorney General
P.O. box 12548
Austin, Texas 78711-2548

RQ-0687-GA

RE: Request for Attorney General Opinion.

Dear Attorney General Abbott,

As the duly elected District Attorney of Wise County, Texas, and as a statutory member of the Wise County Bail Bond Board (Texas Occupations Code Sec. 1704.053), I am respectfully requesting an Attorney General Opinion interpreting Texas Occupations Code Sec. 1704.052 and 1704.056. Specifically, the question to be answered is whether or not the members of a discretionary bail bond board can dissolve the said bail bond board by majority vote of the statutory members or a quorum thereof.

I.

Pertinent Sections of Occupations Code.

Sec. 1704.052 of the Occupations Code states:

A board may be created in a county with a population of less than 110,000 **if a majority of the persons who would serve as members** of the board under Section 1704.053, or who would designate the persons who would serve as members of the board, determine to create a board.

Sec. 1704.056 of the Occupations Code states:

- (a) Four members of a board constitute a quorum.
- (b) A board may take action **only on a majority vote** of the board members present.

According to the North Central Texas Council of Governments website located at www.nctcog.org, the population of Wise County, Texas, from the 2000 census was

48,793. According to the "2007 Current Population Estimates" of the North Central Texas Council of Governments published in March 2007 and available at the same website, the estimated population of Wise County, Texas, for 2007 is 63,050. Therefore, Wise County does not have the population to fall under Occupations Code Sec. 1704.051.

A reading of the Texas Occupations Code gives no guidance as to what procedure, if any, should be followed if a majority of the voting members wish to dissolve the bail bond board

The board can be created by a majority of the voting members, and the board may take action only on a majority vote of the board members present.

If a majority of the members of an existing discretionary bail bond board voted to dissolve the board, and if the population of the county were still less than 110,000, would that be sufficient to allow the dissolution of the bail bond board which would, in turn, allow the bail bond business in Wise County to be governed by the laws, rules, and regulations under which other counties without bail bond boards operate?

Alternatively, if the Texas Occupations Code provisions do not allow for the dissolution of a discretionary bail bond board, what law must be followed to achieve that end, if so desired?

Thank you for your prompt consideration of this request. Please let me know if you have any questions or require additional information.

Sincerely,



Jana A. Jones

District Attorney

271st Judicial District

Wise County, Texas