

The logo for the Texas Municipal League, featuring a green square with a white star in the center. The words "Texas", "Municipal", and "League" are stacked vertically in white text within the square.

Legislative UPDATE

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Attorney General Issues Yet Another Licensed Carry Opinion

The attorney general's office just released [Opinion No. KP-0108](#), its sixth opinion related to licensed carry. It concludes that: (1) nothing prohibits a private entity that is leasing city property from posting notice that licensed carry is prohibited on the property; and (2) a licensed carrier who does so anyway would not commit the criminal offense of trespass by license holder under the Texas Penal Code.

The request for the opinion asked whether a non-profit entity that has offices on land owned by a city may restrict the carrying of concealed handguns on the property. The League has stated that the Penal Code provisions allowing a private entity to prohibit licensed carry on its property ([Section 30.06](#) for concealed carry and [Section 30.07](#) for open carry) can't be used to criminally enforce the trespass by license holder statute on city-owned property. That's because both sections provide that "it is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity..."

The attorney general's office agreed with that position. However, the opinion also reviewed a new provision in the Government Code ([Section 411.209](#)) authorizing the attorney general to investigate and sue a state agency or a political subdivision that improperly posts a 30.06 notice. It concludes that the new section applies *only* to state agencies and political subdivisions. Thus, the attorney general's office has no authority to investigate a sign placed by the person or entity that is leasing the city property, so long as the city has no control over the placement. In other words, it appears to be a "don't ask, don't tell" opinion.

How can the person or entity that is leasing the city property and chooses to post signs then enforce the prohibition? The criminal trespass statute in the Penal Code ([Section 30.05](#)) can't be used to prohibit entry because it provides an affirmative defense if the basis for restricting access is that a person is carrying a handgun, so long as that person is licensed to do so. Because a license holder wouldn't necessarily commit a criminal offense by disregarding a sign in this case, the opinion mentions *civil* trespass, which presumably allows the person or entity to prohibit entry.

It's possible that the recourse of law enforcement responding to a call of an unwelcome licensed carrier at the leased property is thus limited to other criminal offenses.

Mandatory Local Debt Reporting

[House Bill 1378](#), passed during the 2015 legislative session, requires every city to annually report various figures related to the city's amount of debt. A city can satisfy the reporting requirement in one of two ways: (1) compile the requisite debt information in a self-created report that is posted to the city's website; or (2) complete the state comptroller's [online debt reporting form](#) and either: (a) upload it to the comptroller's website; or (b) post to the city's website.

The local debt information required to be in the annual report, whether created by the city or by using the comptroller's form, is as follows:

1. The amount of all authorized debt obligations;
2. The principal of all outstanding debt obligations;
3. The principal of each outstanding debt obligation;
4. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
5. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
6. The amounts required by Nos. 1-5 limited to authorized and outstanding debt obligations secured by property taxes, expressed as a total amount and per capita amount;
7. The following for each debt obligation: (a) the issued and unissued amount; (b) the spent and unspent amount; (c) the maturity date; and (d) the stated purpose for which the debt obligation was authorized;
8. The current credit rating given by any nationally recognized credit rating organization to debt obligations of the political subdivision; and
9. Any other information that the political subdivision considers relevant or necessary to explain the values.

According to the comptroller's website, new administrative rules will soon be proposed to implement the deadlines for completing the report. The website indicates that deadlines for reporting will be: (1) within 210 days of the end of the city's fiscal year in 2016; and (2) within 180 days of the end of the most recently completed fiscal year after 2016.

As cities reach the end of the 2016 budget year, they should seek the assistance of local finance officers, and possibly local legal counsel, to interpret the new mandatory reporting. Please contact Bill Longley, TML Legislative Counsel, with questions at bill@tml.org or (512) 231-7400.

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