

- SUBJECT:** Expanding certain legal services provided to a county auditor
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 7 ayes — Coleman, Farias, Burrows, Romero, Schubert, Tinderholt, Wu
- 1 nay — Spitzer
- 1 absent — Stickland
- WITNESSES:** For — Katie Conner and Edward Dion, Texas Association of County Auditors
- Against — None
- On — Robert Bass, County Judges and Commissioners Association of Texas; Donald Lee, Texas Conference of Urban Counties; Robert Kepple, Texas District and County Attorneys Association; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas)
- BACKGROUND:** Government Code, sec. 41.007 requires district or county attorneys, on request, to give to a county or precinct official of their district or county a written opinion or written advice relating to the official duties of that official.
- Local Government Code, sec. 157.901 entitles a county official or employee sued by any entity, except for the county that the official or employee serves, for an action arising from the performance of a public duty to representation by the district or county attorney or both.
- In these sections, a county auditor is not specifically entitled to the advice or representation of district or county attorneys described above.
- DIGEST:** HB 2524 would allow a county or precinct official, including county auditors, to request in writing from the district or county attorney any

opinion or advice related to official duties of the position, including statutory interpretation of the official's duties. This would amend language in current law requiring that district and county attorneys provide this information upon request.

By the 30th day after the written request was submitted, the district or county attorney would be required to:

- grant the request and provide the written opinion or advice;
- deny the request in writing; or
- provide written notice to the official that the request could not be answered within the required time frame and give a reasonable date by which the request would be answered.

This bill would entitle officials, including county auditors, to legal representation from the district or county attorney if a suit arose from the official's performance of a public duty as a result of following the opinion or advice given by the district or county attorney.

The official would not be entitled to legal representation if the official sought and received legal advice but did not implement the advice and a suit arose from the official's failure to implement the advice. The bill would require the official to personally reimburse the county for any damages incurred by the county as a result of the official's failure to implement the advice.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to a written request submitted by an official on or after that date.