

By: Dutton

H.B. No. 2435

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the legal representation of county officials by  
3 district, county, and private attorneys.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 157.901, Local Government Code, is  
6 amended by amending Subsection (a) and adding Subsections (a-1) and  
7 (d) to read as follows:

8 (a) A county official or employee sued by any entity [~~, other~~  
9 ~~than the county with which the official or employee serves,~~] for an  
10 action arising from the performance of public duty is entitled to be  
11 represented by the district attorney of the district in which the  
12 county is located, the county attorney, or both.

13 (a-1) A county official with a cause of action against  
14 another county official arising from the performance of public duty  
15 is entitled to be represented by the district attorney of the  
16 district in which the county is located, the county attorney, or  
17 both. If the district attorney and the county attorney decline to  
18 represent the official, the official is entitled to have the  
19 commissioners court of the county employ and pay private counsel.

20 (d) A private attorney employed under this section who  
21 prevails in a suit against a county for payment under this section  
22 is entitled to reasonable attorney's fees incurred in collecting  
23 the payment.

24 SECTION 2. The change in law made by this Act applies only

1 to an action described by Section 157.901(a), Local Government  
2 Code, as amended by this Act, or a cause of action under Section  
3 157.901(a-1), Local Government Code, as added by this Act, that is  
4 brought on or after the effective date of this Act. An action that  
5 is brought before the effective date of this Act is covered by the  
6 law in effect when the action was brought, and that law is continued  
7 in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2003.