

By: West

S.B. No. 414

A BILL TO BE ENTITLED

AN ACT

relating to the liability of county officers.

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

SECTION 1. Subchapter Z, Chapter 157, Local Government Code, is amended by adding Section 157.9035 to read as follows:

Sec. 157.9035. LIABILITY OF ELECTED AND APPOINTED COUNTY OFFICERS. (a) The commissioners court of a county may request the district attorney of the district in which the county is located or the county attorney to determine whether an elected or appointed county officer has taken an action that is beyond the scope of the officer's official duties as prescribed by law if the commissioners court:

(1) considered the matter in a closed session; and

(2) provided the officer with written notice by certified mail and an opportunity to appear and present evidence related to the matter in the closed session.

(b) If the commissioners court submits a request to the district or county attorney as provided by Subsection (a), the district or county attorney shall provide the commissioners court with a confidential written opinion on the matter. A copy of the opinion shall also be provided to the officer in question.

(c) If the district or county attorney determines that the action taken by the officer was beyond the scope of the officer's official duties as prescribed by law the commissioners court shall

1 hold a public hearing to consider the matter. The officer must be
2 provided with written notice by certified mail and an opportunity
3 to appear and present evidence related to the matter at the public
4 hearing.

5 (d) If the commissioners court determines after the public
6 hearing by a unanimous vote that the action taken by the officer was
7 beyond the scope of the officer's official duties as prescribed by
8 law:

9 (1) the commissioners court shall notify the officer
10 of its determination in writing; and

11 (2) after the officer is notified as provided by this
12 subsection:

13 (A) the officer is financially liable for any
14 continued action taken that is identified in the notice as
15 inappropriate; and

16 (B) the county is not responsible for providing
17 legal defense for the officer or for paying any court costs or
18 judgments assessed resulting from any continued action taken that
19 is identified in the notice as inappropriate.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2011.