

SENATE AMENDMENTS

2nd Printing

By: Coleman

H.B. No. 2524

A BILL TO BE ENTITLED

AN ACT

relating to legal services provided by a district or county attorney to county and precinct officials.

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

SECTION 1. Section 41.007, Government Code, is amended to read as follows:

Sec. 41.007. OPINIONS TO COUNTY AND PRECINCT OFFICIALS.

(a) A [district or county attorney, on request, shall give to a] county or precinct official may request in writing [of his district or county] a written opinion or written advice relating to the official duties of that official, including the interpretation of a statute relating to the official duties of the official, from the district or county attorney.

(b) Not later than the 30th day after the date a written request is submitted under Subsection (a), the district or county attorney shall:

(1) grant the request and provide the written opinion or written advice;

(2) deny the request in writing; or

(3) provide written notification to the requestor that the opinion or written advice cannot be provided by the date prescribed by this subsection and specify a date by which the opinion or advice will be provided, which must be reasonable.

(c) If a county or precinct official is sued for an action

1 arising from the performance of a public duty as a result of
2 following an opinion or the advice provided under Subsection (a),
3 the county or precinct official is entitled to representation as
4 provided by Section 157.901, Local Government Code.

5 (d) If a county or precinct official requests and obtains
6 legal advice under this section and fails to implement the advice,
7 the official is not entitled to representation as provided by
8 Section 157.901, Local Government Code, in an action arising from
9 that failure and shall personally reimburse the county for any
10 damages incurred by the county as a result of that failure.

11 (e) In this section, "county official" includes a county
12 auditor.

13 SECTION 2. The changes in law made by Section 41.007,
14 Government Code, as amended by this Act, apply only to a request
15 submitted for a written opinion or written advice on or after the
16 effective date of this Act. A request submitted before the
17 effective date of this Act is governed by the law in effect when the
18 request was submitted, and the former law is continued in effect for
19 that purpose.

20 SECTION 3. 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, 2015.

ADOPTED

MAY 24 2015

Lataj Spaw
Secretary of the Senate

By: Coleman / Rodríguez

H.B. No. 2524

Substitute the following for H.B. No. 2524 :

By: *John R. Sulcer*

C.S. H.B. No. 2524

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9 county or precinct official may request in writing [of his district
10 or county] a written opinion or written advice relating to the
11 official duties of that official, including the interpretation of a
12 statute relating to the official duties of the official, from the
13 district or county attorney.

14 (b) Not later than the 30th day after the date a written
15 request is submitted under Subsection (a), the district or county
16 attorney shall:

17 (1) grant the request and provide the written opinion
18 or written advice;

19 (2) deny the request in writing; or

20 (3) provide written notification to the requestor that
21 the opinion or written advice cannot be provided by the date
22 prescribed by this subsection and specify a date by which the
23 opinion or advice will be provided, which must be reasonable.

24 (c) If a county or precinct official is sued for an action

1 arising from the performance of a public duty as a result of
2 following an opinion or the advice provided under Subsection (a),
3 the county or precinct official is entitled to representation as
4 provided by Section 157.901, Local Government Code.

5 (d) In this section, "county official" includes a county
6 auditor.

7 SECTION 2. The changes in law made by Section 41.007,
8 Government Code, as amended by this Act, apply only to a request
9 submitted for a written opinion or written advice on or after the
10 effective date of this Act. A request submitted before the
11 effective date of this Act is governed by the law in effect when the
12 request was submitted, and the former law is continued in effect for
13 that purpose.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 25, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2524 by Coleman (Relating to legal services provided by a district or county attorney to county and precinct officials.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county or precinct official to request, in writing, the interpretation of a statute relating to the official duties from the district or county attorney. A district or county attorney would be required to take action not later than the 30th day after the written request is submitted. A county or precinct official, including a county auditor, that is sued for an action arising from the performance of a public duty as a result of following the opinion or advice would be entitled to representation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, EK, TBo, KVe, SD, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2524 by Coleman (Relating to legal services provided by a district or county attorney to county and precinct officials.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county or precinct official to request, in writing, the interpretation of a statute relating to the official duties from the district or county attorney. A district or county attorney would be required to take action not later than the 30th day after the written request is submitted. A county or precinct official, including a county auditor, that is sued for an action arising from the performance of a public duty as a result of following the opinion or advice would be entitled to representation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, EK, TBo, KVe, SD, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

TO: Honorable Eddie Lucio Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2524 by Coleman (Relating to legal services provided by a district or county attorney to county and precinct officials.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county or precinct official to request, in writing, the interpretation of a statute relating to the official duties from the district or county attorney. A district or county attorney would be required to take action not later than the 30th day after the written request is submitted. A county or precinct official, including a county auditor, that is sued for an action arising from the performance of a public duty as a result of following the opinion or advice would be entitled to representation. Under the provisions of the bill, if a county or precinct official requests and obtains legal advice and fails to implement the advice, the official is not entitled to representation in an action arising from the failure and must reimburse the county for damages incurred.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, EK, TBo, KVe, SD, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 4, 2015

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2524 by Coleman (Relating to legal services provided by a district or county attorney to county and precinct officials.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county or precinct official to request, in writing, the interpretation of a statute relating to the official duties from the district or county attorney. A district or county attorney would be required to take action not later than the 30th day after the written request is submitted. A county or precinct official, including a county auditor, that is sued for an action arising from the performance of a public duty as a result of following the opinion or advice would be entitled to representation. Under the provisions of the bill, if a county or precinct official requests and obtains legal advice and fails to implement the advice, the official is not entitled to representation in an action arising from the failure and must reimburse the county for damages incurred.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, EK, TBo, KVe, SD, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 8, 2015

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2524 by Coleman (Relating to legal services provided by a district or county attorney to county and precinct officials.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize a county or precinct official to request, in writing, the interpretation of a statute relating to the official duties from the district or county attorney. A district or county attorney would be required to take action not later than the 30th day after the written request is submitted. A county or precinct official, including a county auditor, that is sued for an action arising from the performance of a public duty following the opinion or advice would be entitled to representation.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, KVe, SD, EK, TBo, KKR