

BILL ANALYSIS

H.B. 4462
By: Harless
Intergovernmental Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the primary duty of a county attorney or their assistants is to represent the state, county, and the county's officials before the courts in all civil matters in which the state, the county, or county officials have matters pending. However, the bill author has also informed the committee that because the office of the county attorney is a political office, it must be acknowledged that political considerations and ideologies may impact a county attorney's ability or willingness to properly represent another elected official, and in such cases, it may be in the best interest of both the elected official and the taxpayers for impartial and expert outside legal counsel to be used instead of the county attorney. H.B. 4462 seeks to address this issue by providing for elected officials in certain counties to contract for outside legal services in a situation in which the official reasonably believes the county attorney may have a conflict of interest.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4462 amends the Government Code to extend a state agency's authority to contract for outside legal services to a county with a population of more than 3.3 million by clarifying that statutory provisions relating to contracting for outside legal services apply to such a county and to state agencies. The bill authorizes the commissioners court of such a county to contract for outside legal services from counsel selected by a county official if the official or the official's staff are subject to a civil action or otherwise require legal counsel related to the discharge of official duties in a situation in which the official reasonably believes the county attorney may have a conflict of interest. The bill prohibits the county attorney from providing legal services related to a contract entered into for outside legal services and prohibits outside legal counsel from settling or compromising any action against a county official or the official's staff without the approval of the official and the county commissioners court. The bill requires a county commissioners court to authorize payment for legal services provided by outside legal counsel and makes any such authorized payments subject to audit by the county auditor.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.