

By: Harless

H.B. No. 4462

A BILL TO BE ENTITLED

AN ACT

relating to authorizing certain counties to contract for outside legal counsel in certain situations.

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

SECTION 1. The heading to Subchapter D, Chapter 2254, Government Code, is amended to read as follows:

SUBCHAPTER D. OUTSIDE LEGAL SERVICES FOR STATE AGENCIES AND CERTAIN COUNTIES

SECTION 2. Section 2254.152, Government Code, is amended to read as follows:

Sec. 2254.152. APPLICABILITY. (a) This subchapter applies only to:

(1) a state agency; and

(2) a county that has a population of more than 3.3 million.

(b) This subchapter does not apply to a contingent fee contract for legal services.

SECTION 3. The heading to Section 2254.153, Government Code, is amended to read as follows:

Sec. 2254.153. CONTRACTS FOR LEGAL SERVICES FOR STATE AGENCIES AUTHORIZED.

SECTION 4. The heading to Section 2254.154, Government Code, is amended to read as follows:

Sec. 2254.154. ATTORNEY GENERAL REQUIREMENT

1 FOR[+] COMPETITIVE PROCUREMENT FOR STATE AGENCIES.

2 SECTION 5. Subchapter D, Chapter 2254, Government Code, is  
3 amended by adding Section 2254.155 to read as follows:

4 Sec. 2254.155. CONTRACTS FOR LEGAL SERVICES FOR CERTAIN  
5 COUNTIES AUTHORIZED IN CERTAIN SITUATIONS. (a) Notwithstanding  
6 any other law, the commissioners court of a county may contract for  
7 outside legal services from counsel selected by a county official  
8 if the official or the official's staff are subject to a civil  
9 action or otherwise require legal counsel related to the discharge  
10 of official duties in a situation in which the official reasonably  
11 believes the county attorney may have a conflict of interest.

12 (b) Outside legal counsel providing services under this  
13 section may not settle or compromise any action against a county  
14 official or the official's staff without the approval of the  
15 official and the commissioners court of the county.

16 (c) The commissioners court of the county shall authorize  
17 payment for legal services provided by outside legal counsel under  
18 Subsection (b). Any payments authorized by the commissioners court  
19 for outside legal services are subject to audit by the county  
20 auditor.

21 (d) Notwithstanding any other law, the county attorney may  
22 not provide legal services related to a contract entered into under  
23 this section.

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2025.