

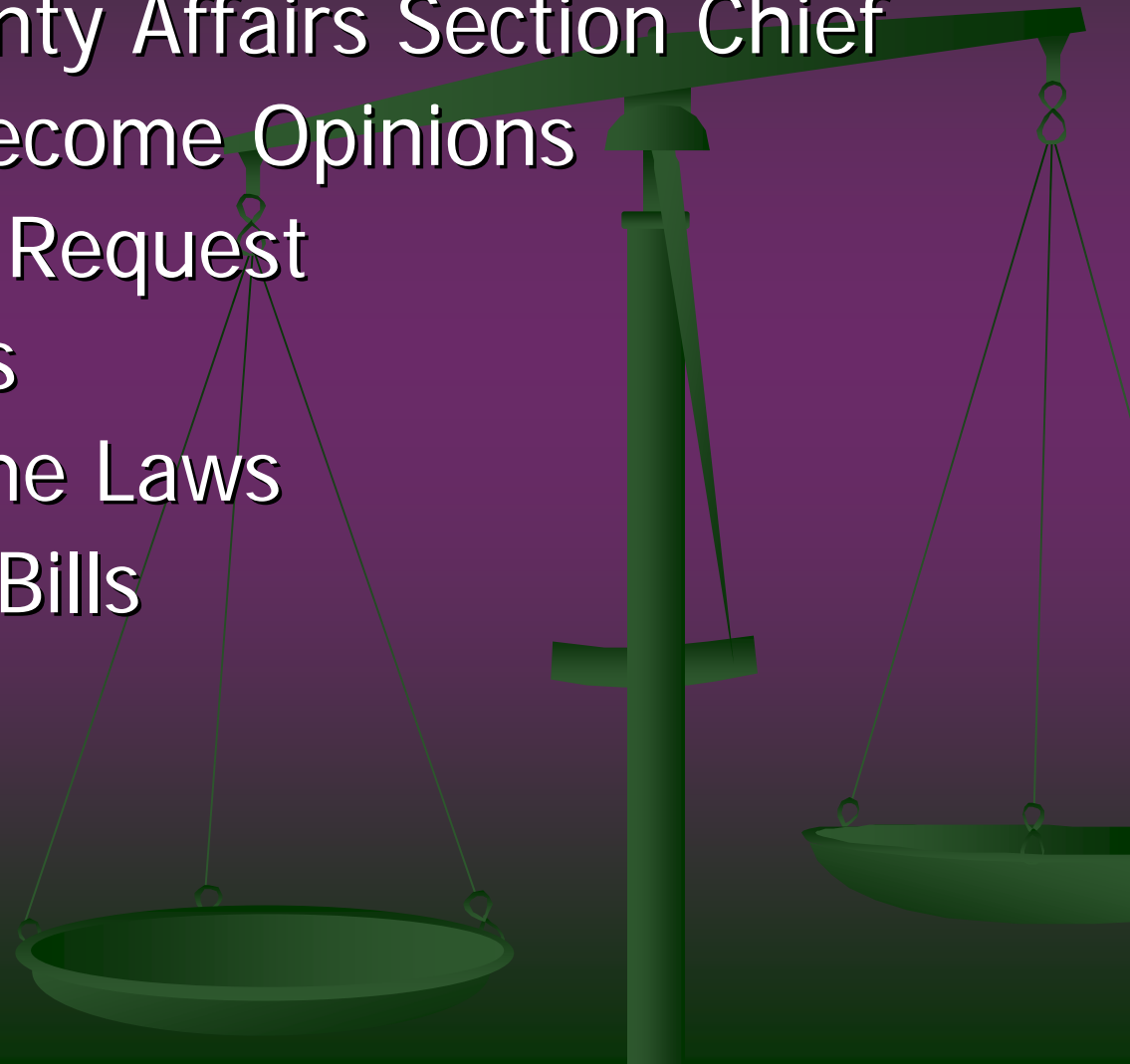


Attorney General Issues

Zindia Thomas, Asst Attorney General
County Affairs Section Chief
Intergovernmental Relations Division
Office of the Attorney General

County Auditor's Road Map

- My Role as County Affairs Section Chief
- How Request become Opinions
- Recent Opinion Request
- Recent Opinions
- How Bills become Laws
- 80th Legislative Bills
- Q & A



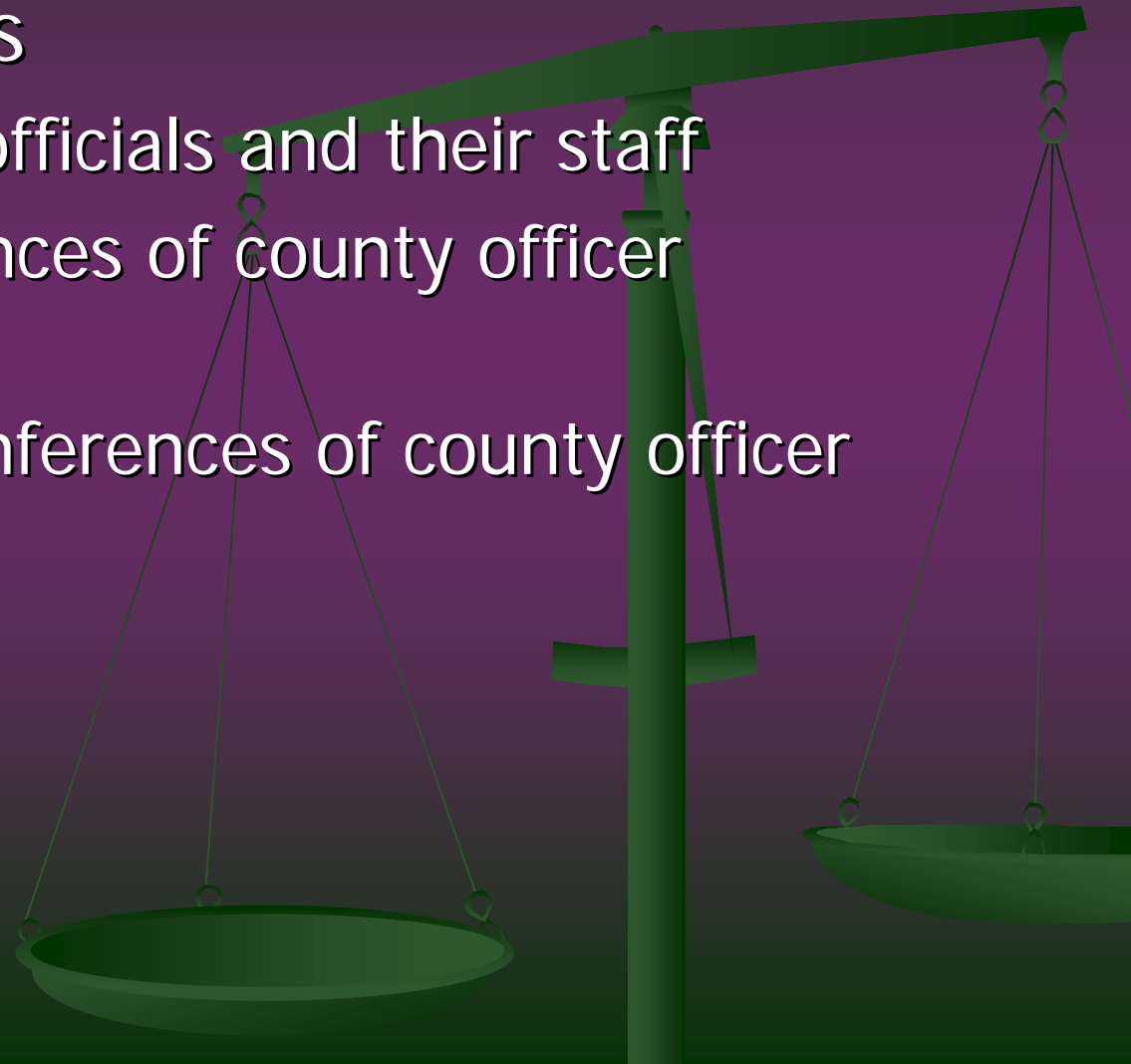
County Affairs

What I Do



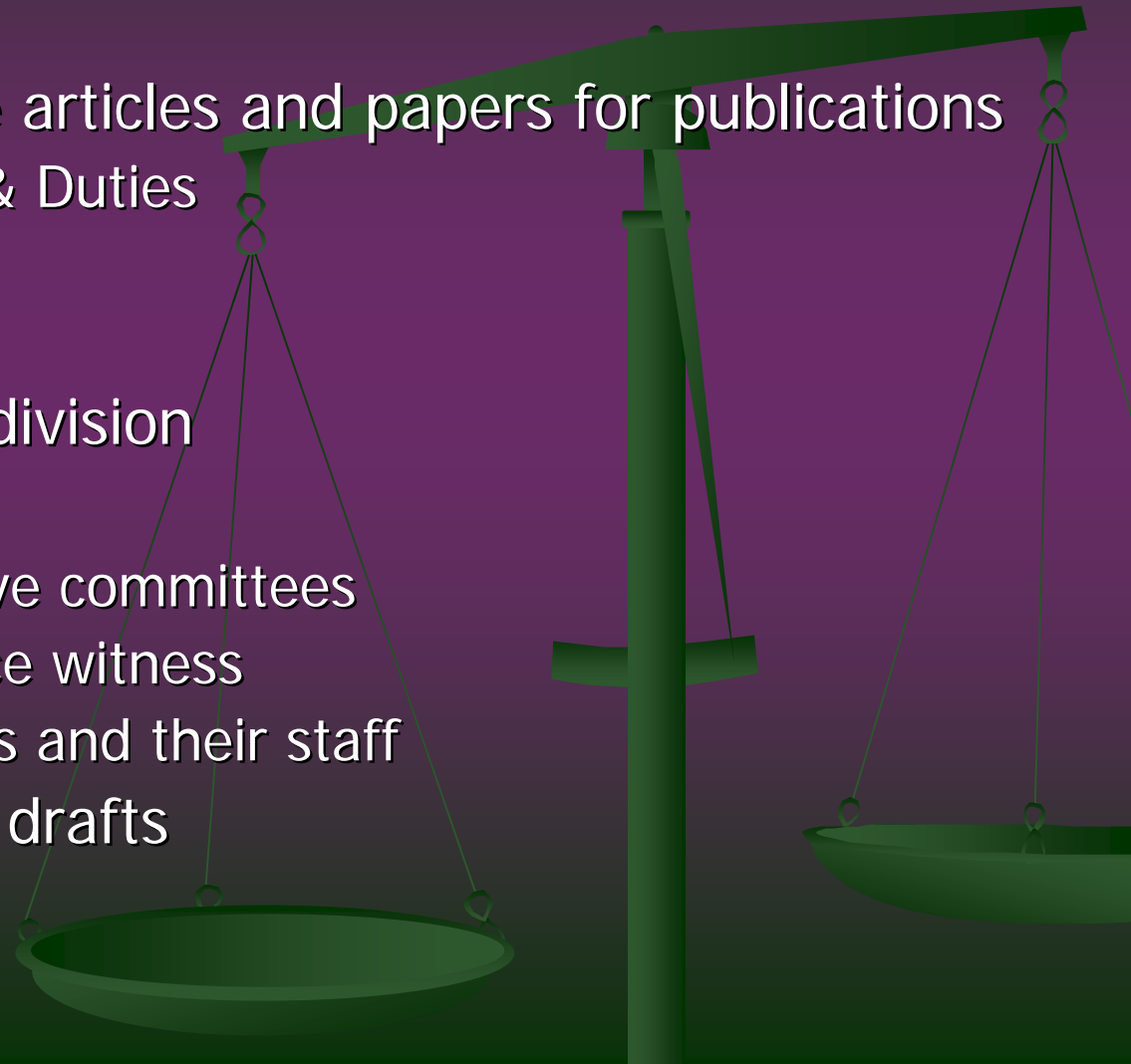
County Affairs: What I Do

- For the Counties
 - Advise county officials and their staff
 - Attend conferences of county officer organizations
 - Speaking at conferences of county officer organizations



County Affairs: What I Do

- For the OAG
 - Write and prepare articles and papers for publications
 - County Powers & Duties
 - PIA Made Easy
 - OMA Made Easy
 - Assist other OAG division
 - Legislator
 - Monitor legislative committees
 - Serve as resource witness
 - Advise legislators and their staff
 - Advise on opinion drafts



Opinions Process



How a Request Becomes an
Opinion

How a Request Becomes an Opinion

Government Code

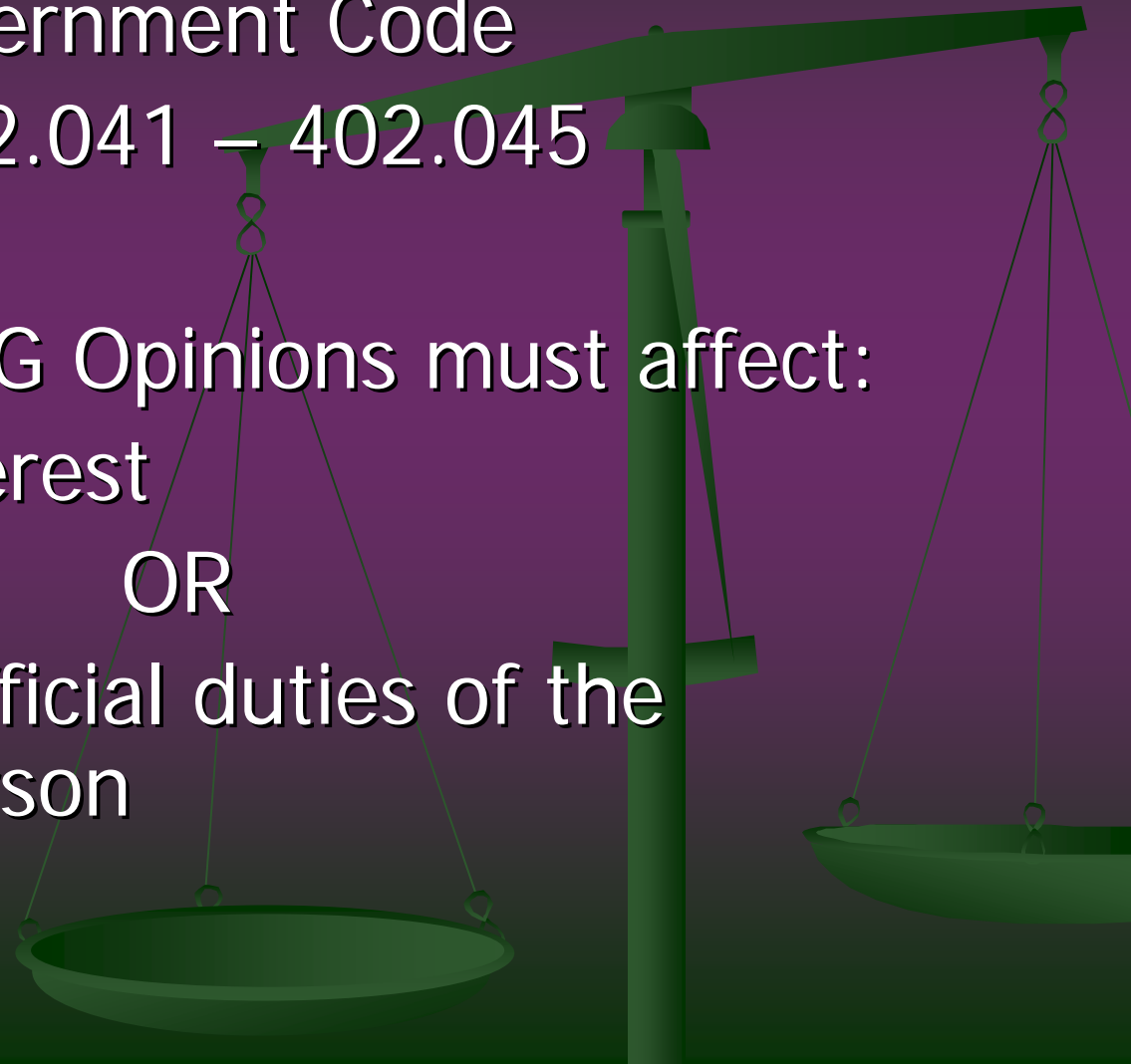
§§ 402.041 – 402.045

Request for AG Opinions must affect:

1) The Public Interest

OR

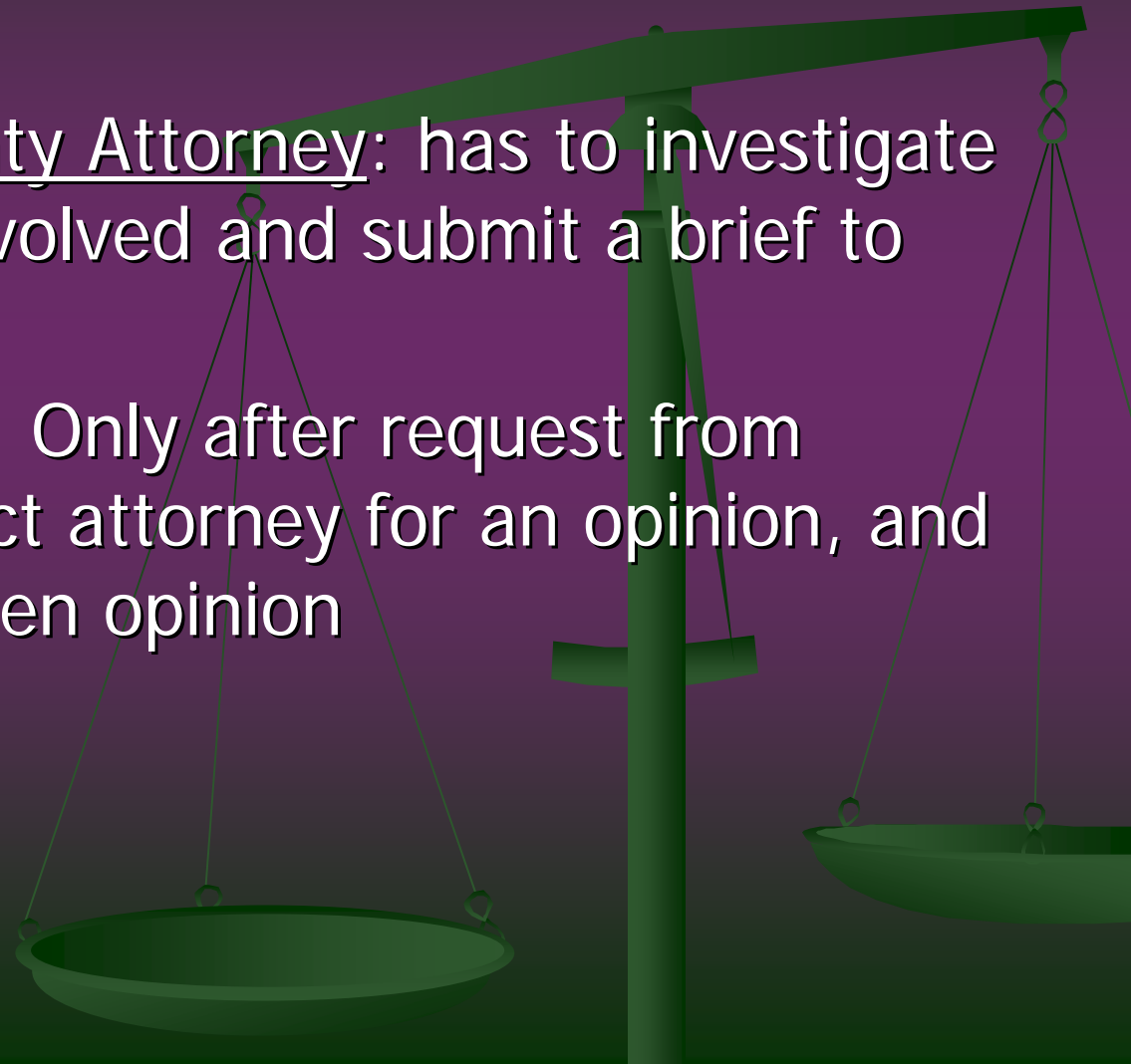
2) Concern the official duties of the requesting person



Who can Request an Opinion?

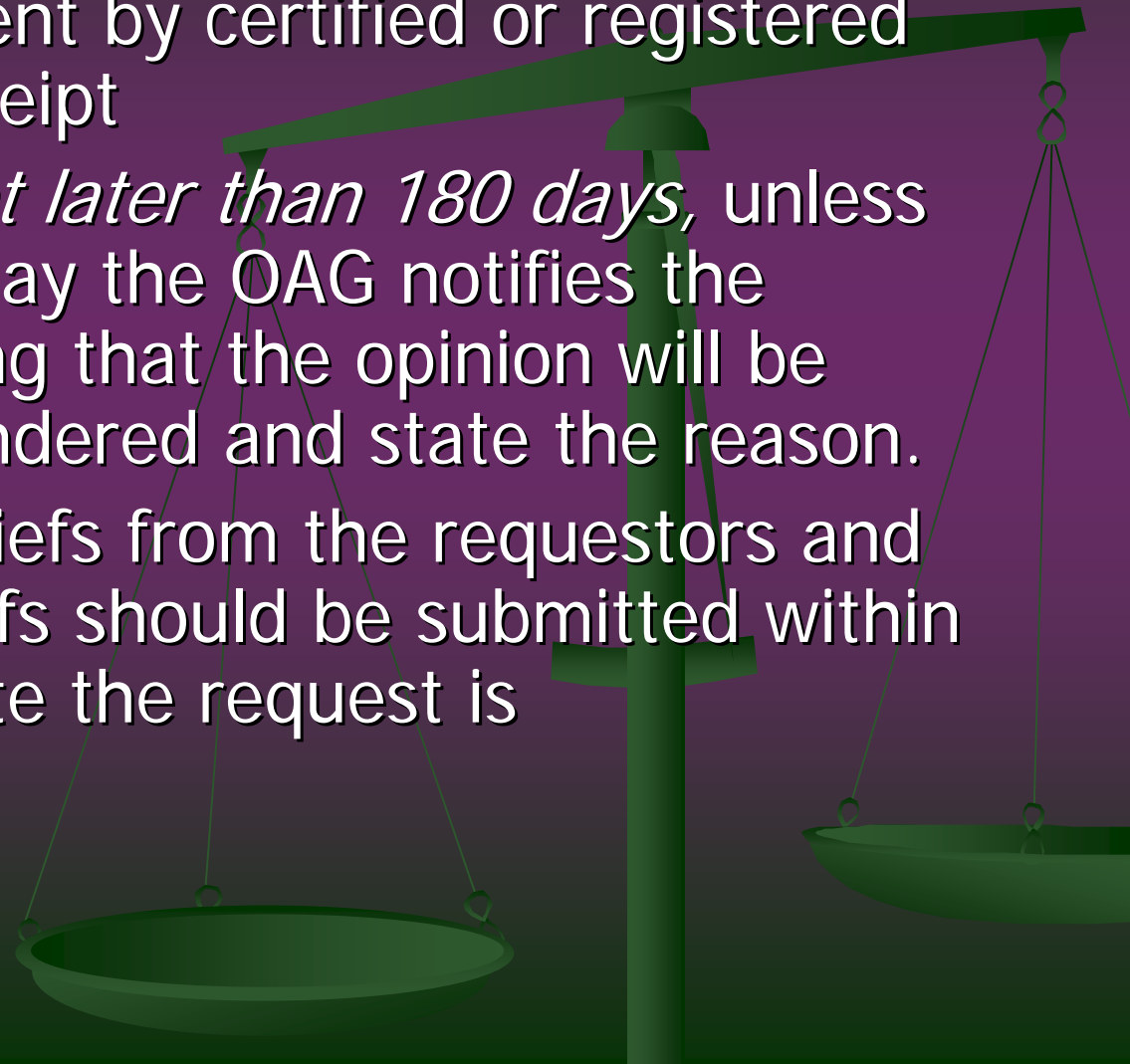
■ County level

- District or County Attorney: has to investigate the question involved and submit a brief to the OAG
- County Auditor: Only after request from county or district attorney for an opinion, and received a written opinion



How a Request becomes an Opinion

- ❖ Written request sent by certified or registered mail w/ return receipt
- ❖ Opinion issued *not later than 180 days*, unless before the 180th day the OAG notifies the requestor in writing that the opinion will be delayed or not rendered and state the reason.
- ❖ OAG welcomes briefs from the requestors and anyone else. Briefs should be submitted within 30 days of the date the request is acknowledged.



AG Opinion Initials

What do the Letters and Numbers mean?

Example: GA-550

GA = Greg Abbott

Example: RQ-550-GA

RQ = Request

Example: LO 88-550

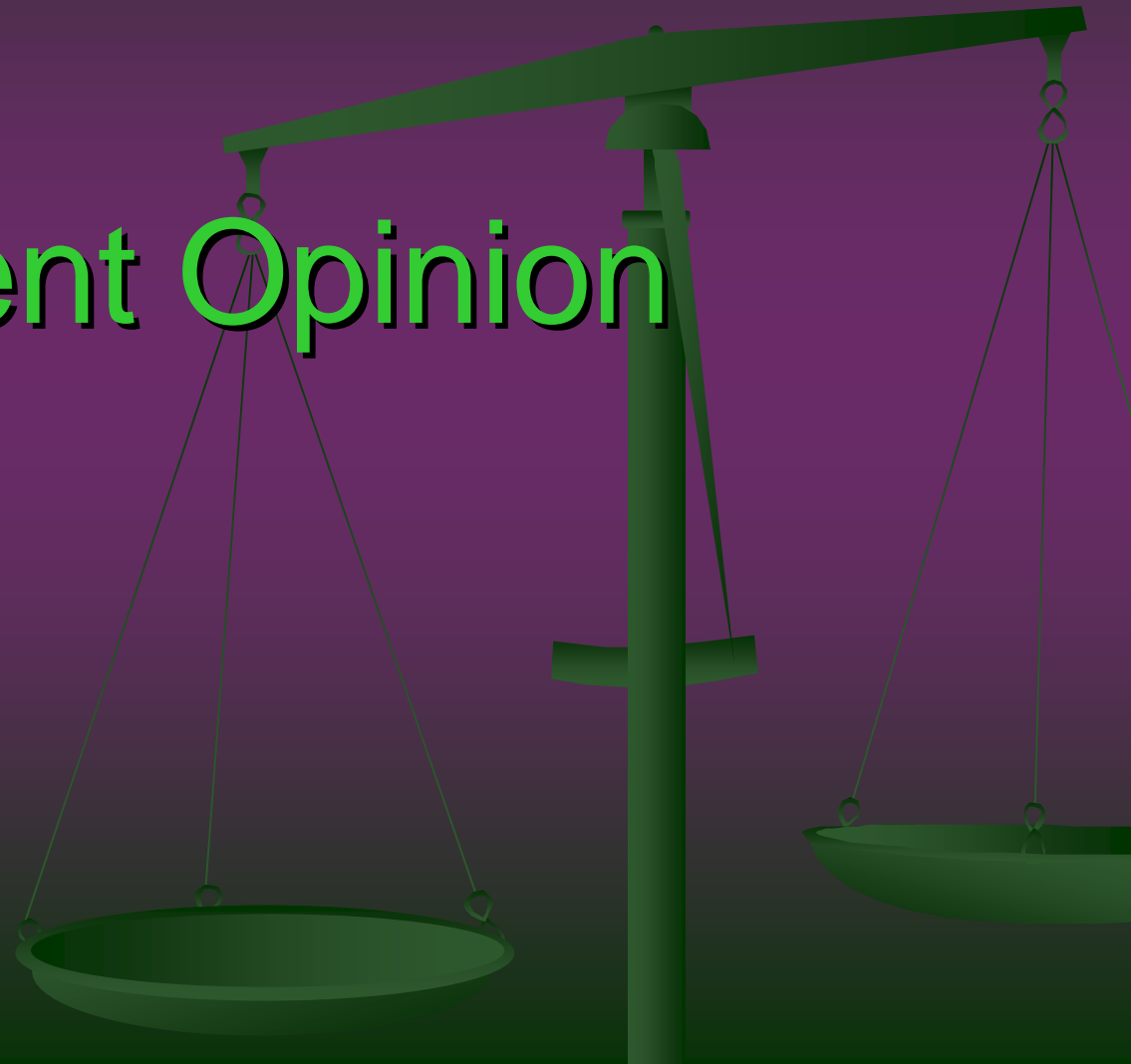
LO = Letter Opinion

88 = Year the letter opinion was issued

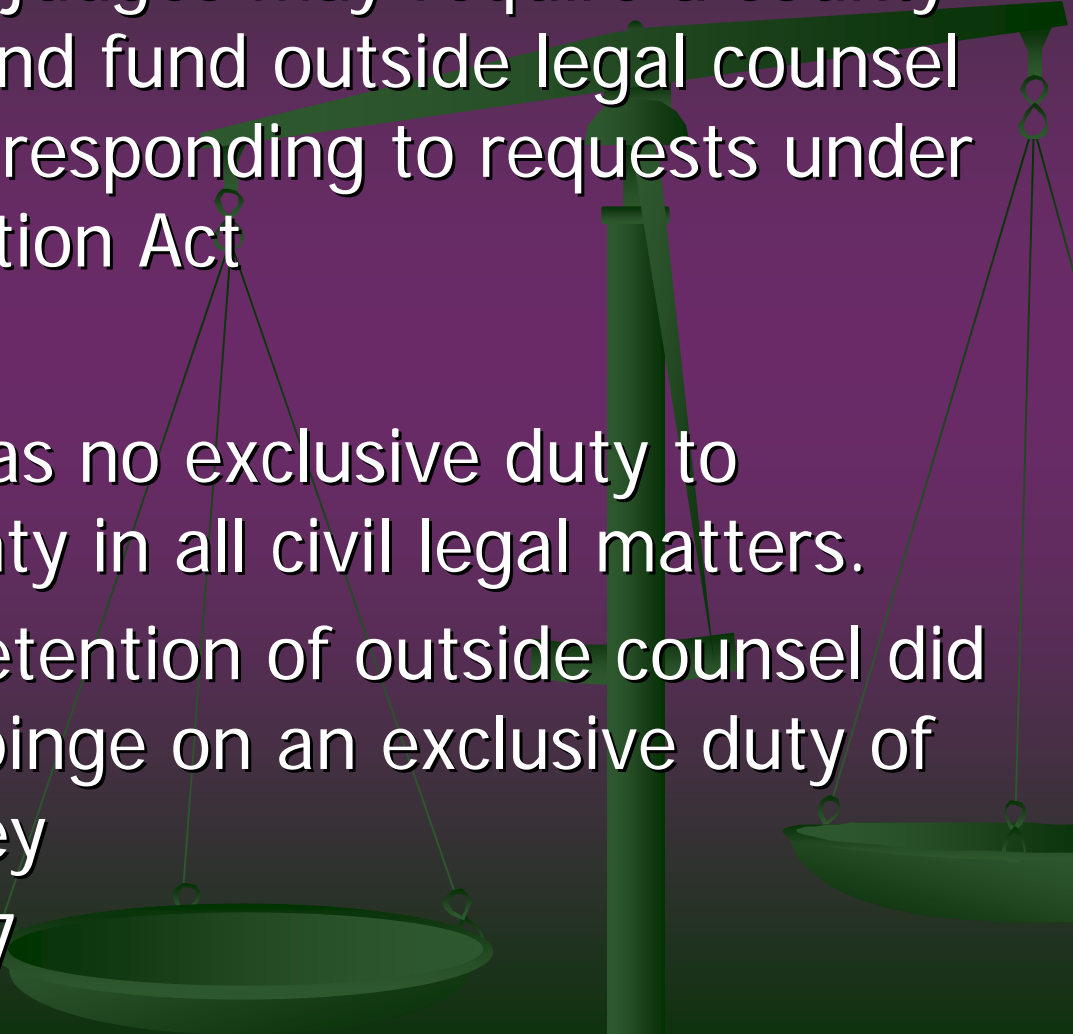
550s = number that the opinion was issued or the request was accepted

However, the 550 in the RQ does not coincide with the 550 in the GA or LO.

Recent Opinion



GA-0545



Re: Whether district judges may require a county auditor to obtain and fund outside legal counsel for the purpose of responding to requests under the Public Information Act

Summary:

- ❖ County Attorney has no exclusive duty to represent the county in all civil legal matters.
- ❖ County Auditor's retention of outside counsel did not improperly impinge on an exclusive duty of the County Attorney

Issued: May 4, 2007

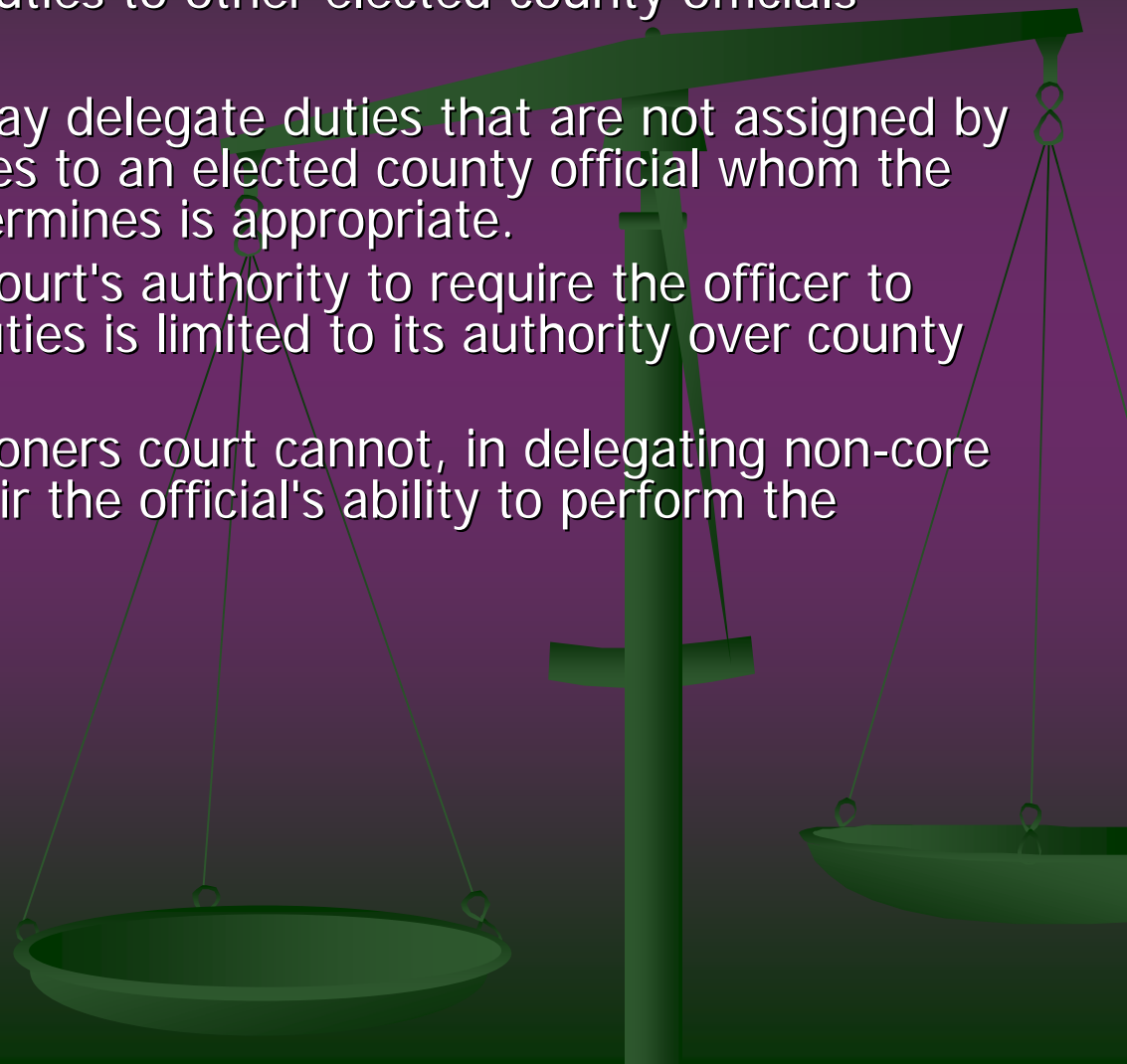
GA-0503

Re: Whether a county commissioners court may delegate nonstatutorily assigned duties to other elected county officials

Summary:

- ❖ A commissioners court may delegate duties that are not assigned by the constitution or statutes to an elected county official whom the commissioners court determines is appropriate.
- ❖ But, the commissioners court's authority to require the officer to perform the delegated duties is limited to its authority over county budgeting.
- ❖ And the county commissioners court cannot, in delegating non-core duties to an official, impair the official's ability to perform the office's core duties.

Issued: January 25, 2007



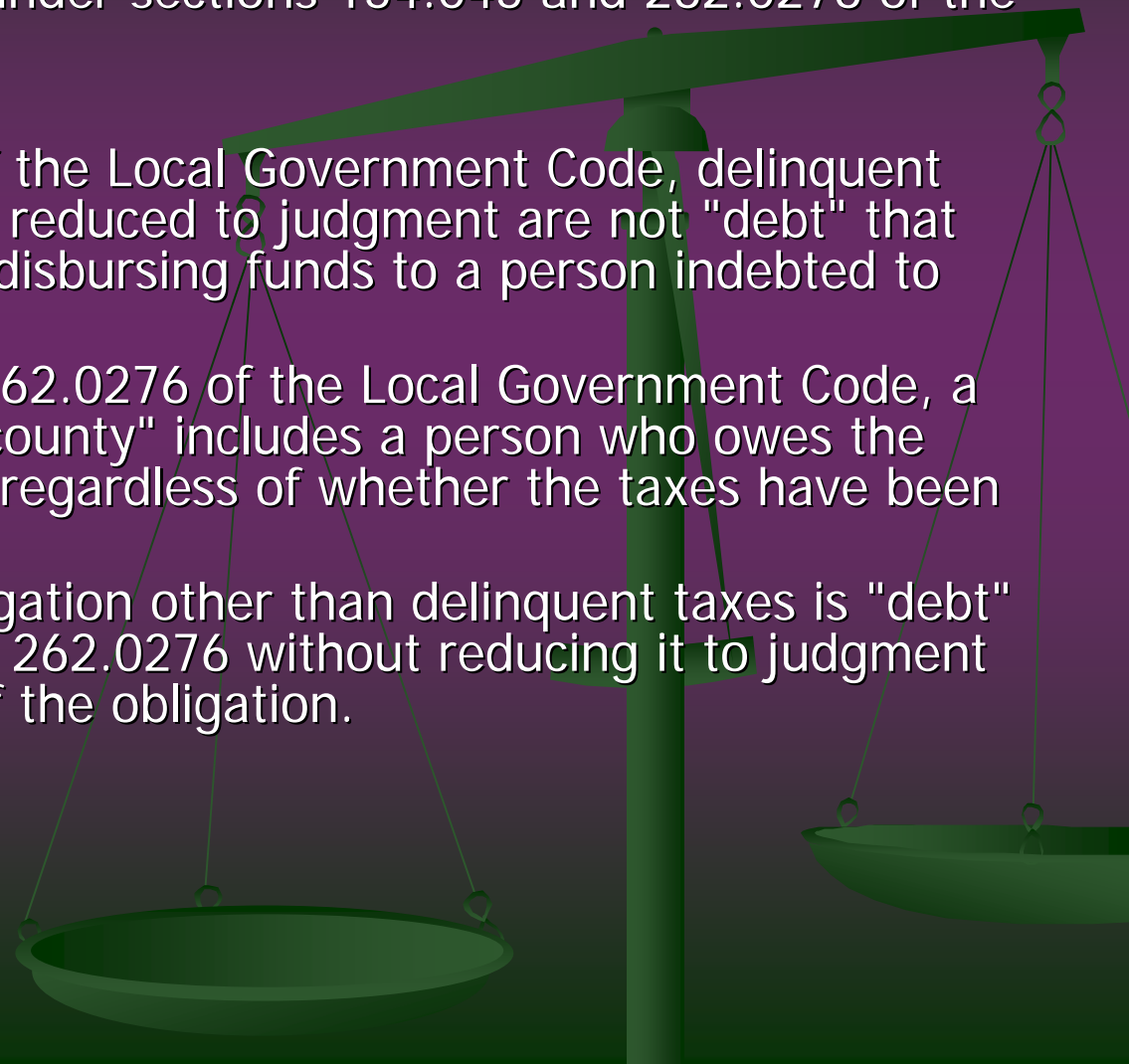
GA-0518

Re: Whether delinquent property taxes not reduced to judgment constitute indebtedness under sections 154.045 and 262.0276 of the Local Government Code

Summary:

- ❖ Under section 154.045 of the Local Government Code, delinquent taxes that have not been reduced to judgment are not "debt" that precludes a county from disbursing funds to a person indebted to the county.
- ❖ For purposes of section 262.0276 of the Local Government Code, a person "indebted to the county" includes a person who owes the county delinquent taxes, regardless of whether the taxes have been reduced to judgment.
- ❖ Whether a particular obligation other than delinquent taxes is "debt" under section 154.045 or 262.0276 without reducing it to judgment depends on the nature of the obligation.

Issued: February 16, 2007



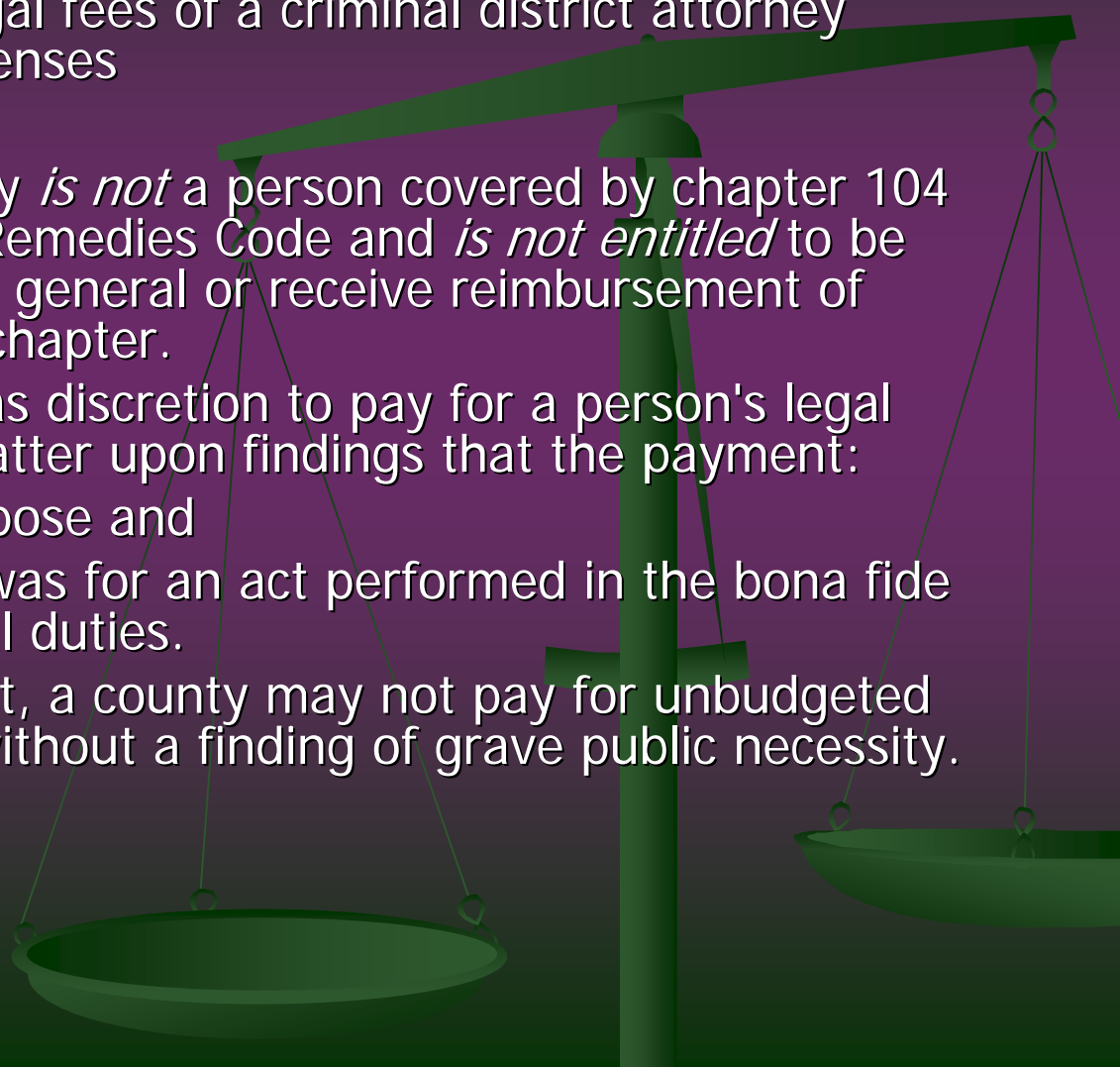
GA-0523

Re: County's payment of legal fees of a criminal district attorney charged with criminal offenses

Summary:

- ❖ A criminal district attorney *is not* a person covered by chapter 104 of the Civil Practice and Remedies Code and *is not entitled* to be defended by the attorney general or receive reimbursement of defense costs under the chapter.
- ❖ A commissioners court has discretion to pay for a person's legal expenses in a criminal matter upon findings that the payment:
 - ❖ furthers a county purpose and
 - ❖ that the prosecution was for an act performed in the bona fide performance of official duties.
- ❖ After approving its budget, a county may not pay for unbudgeted legal defense expenses without a finding of grave public necessity.

Issued: March 5, 2007



GA-534



Re: Whether a county may deduct from a county-jail inmate's commissary account funds necessary to recover costs for medical expenses incurred during a previous incarceration in the county jail, for which the inmate is obligated to reimburse the county under Code of Criminal Procedure article 104.002(d)

Summary: A county may deduct from a county-jail inmate's account funds necessary to recover the costs of medical expenses incurred during a previous term of incarceration in the county jail, for which the inmate is required to reimburse the county under Code of Criminal Procedure article 104.002(d). The county must comply with applicable due-process requirements.

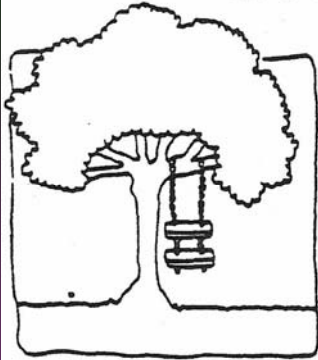
Issued: March 26, 2007



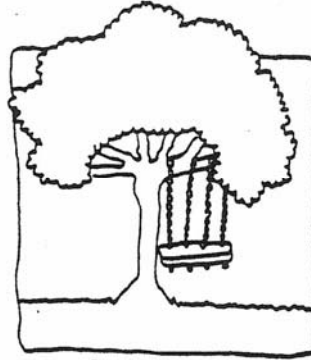
Legislative Process

How a Bill Becomes a Law in
Texas

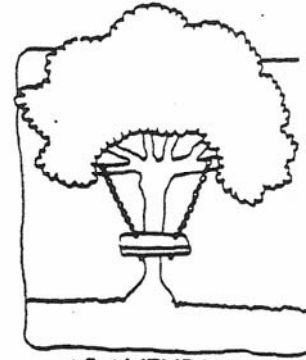
How A Bill Becomes Law



AS INTRODUCED



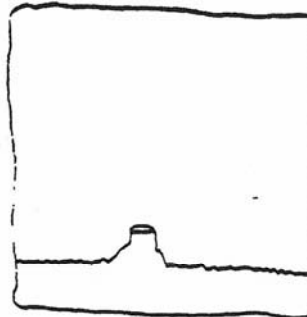
AS AMENDED IN
COMMITTEE



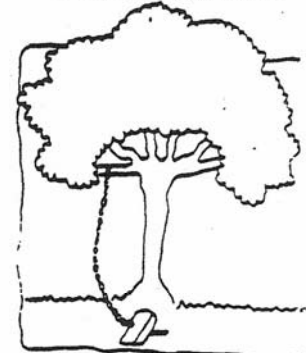
AS AMENDED ON
SECOND READING



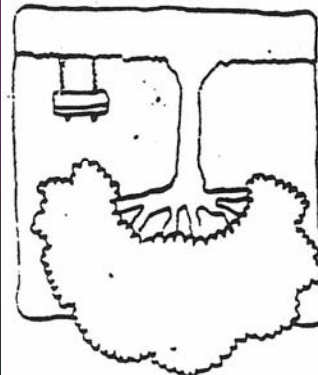
AS ENACTED



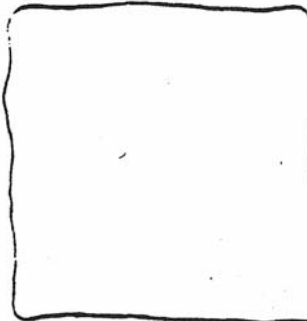
AS FUNDED BY JOINT
BUDGET COMMITTEE



AS IMPLEMENTED BY
THE STATE AGENCY



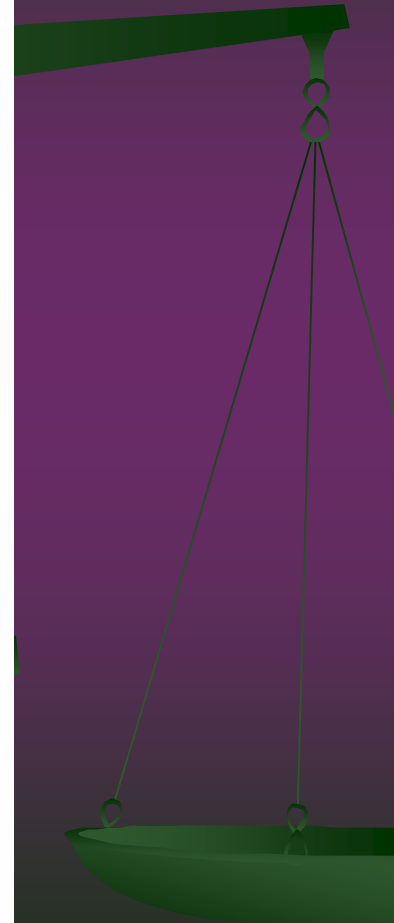
AS REPORTED BY THE
MEDIA



AS UNDERSTOOD BY
THE PUBLIC



WHAT WAS ACTUALLY
NEEDED



How a Bill becomes a Law

"I'm just a bill.
Yes, I'm only a bill.

And I'm sitting here on "Texas"
Hill.
Well, it's a long, long journey
To the capital city.

It's a long, long wait
While I'm sitting in committee,

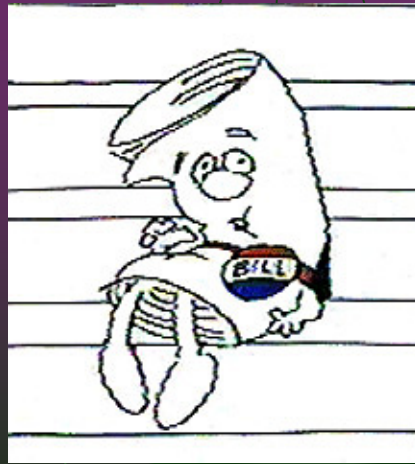
But I know I'll be a law
someday
At least I hope and pray that I
will,
But today I am still just a bill."



Idea brought to Legislator

"When I started I wasn't even a bill, I was just an idea"

County Auditor get a 10% raise every year.



Bill Filed

"Some folks back home decided they wanted a law passed, so they called their local [Legislator] and he said, 'You're right, there oughta be a law.' Then he sat down and wrote me out and introduced me to [House of Representative]. And I became a bill,"

HB 100 Relating to raises for county auditors

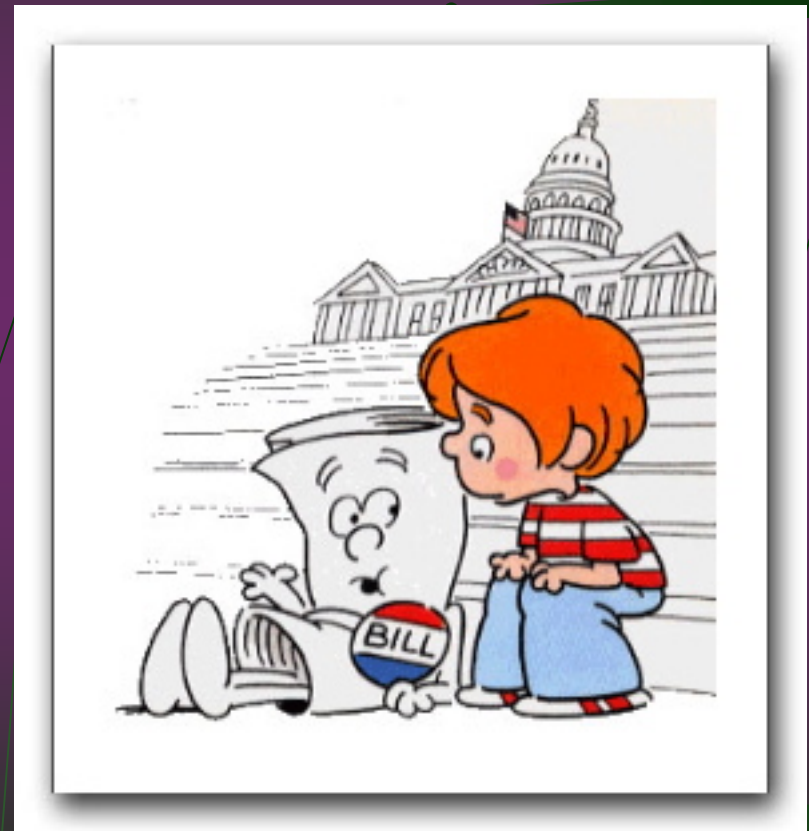


Bill referred to Committee

"It's a long, long wait
While I'm sitting in committee"

"Well, now I'm stuck in
committee
And I'll sit here and wait
While a few key 'Legislators'
discuss and debate
Whether they should let me be
a law."

*HB 100 : referred to House
County Affairs committee (1st
reading)*



Committee Hearing



"Boy: Listen to those 'legislators' arguing! Is all that discussion and debate about you?"

Bill: Yeah, I'm one of the lucky ones. Most bills never even get this far. I hope they decide to report on me favorably, otherwise I may die.

Boy: Die?

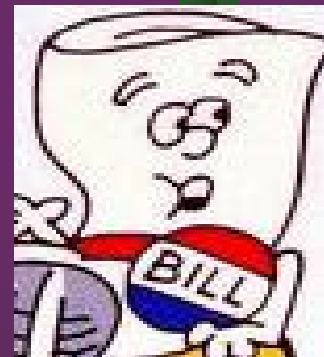
Bill: Yeah, die in committee.

HB 100 get reported favorably from the committee and sent to Calendars

Chamber Floor

“Bill: Oooh, but it looks like I'm gonna live! Now I go to the House of Representatives, and they vote on me.”

HB 100 goes to the House Floor for 2nd and 3rd reading



Sent to the Senate



“Boy: If they vote yes, what happens?”

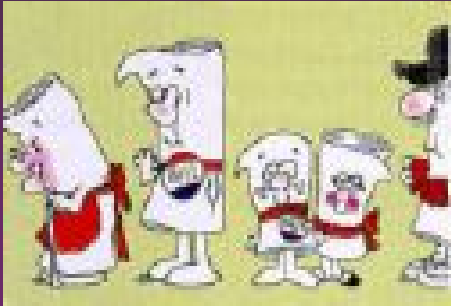
Bill: Then I go to the Senate and the whole thing starts all over again.

Boy: Oh no!

Bill: Oh yes!”

*HB 100 gets engrossed and sent to the Senate
and
the process starts all over again until the bill gets enrolled.*

Governor's Desk



"And if they vote for me
on 'Texas' Hill

Well, then I'm off to the
'Governor's desk'
Where I'll wait in a line
With a lot of other bills
For the 'governor' to sign

And if he signs me, then
I'll be a law."

Now You're a Law!

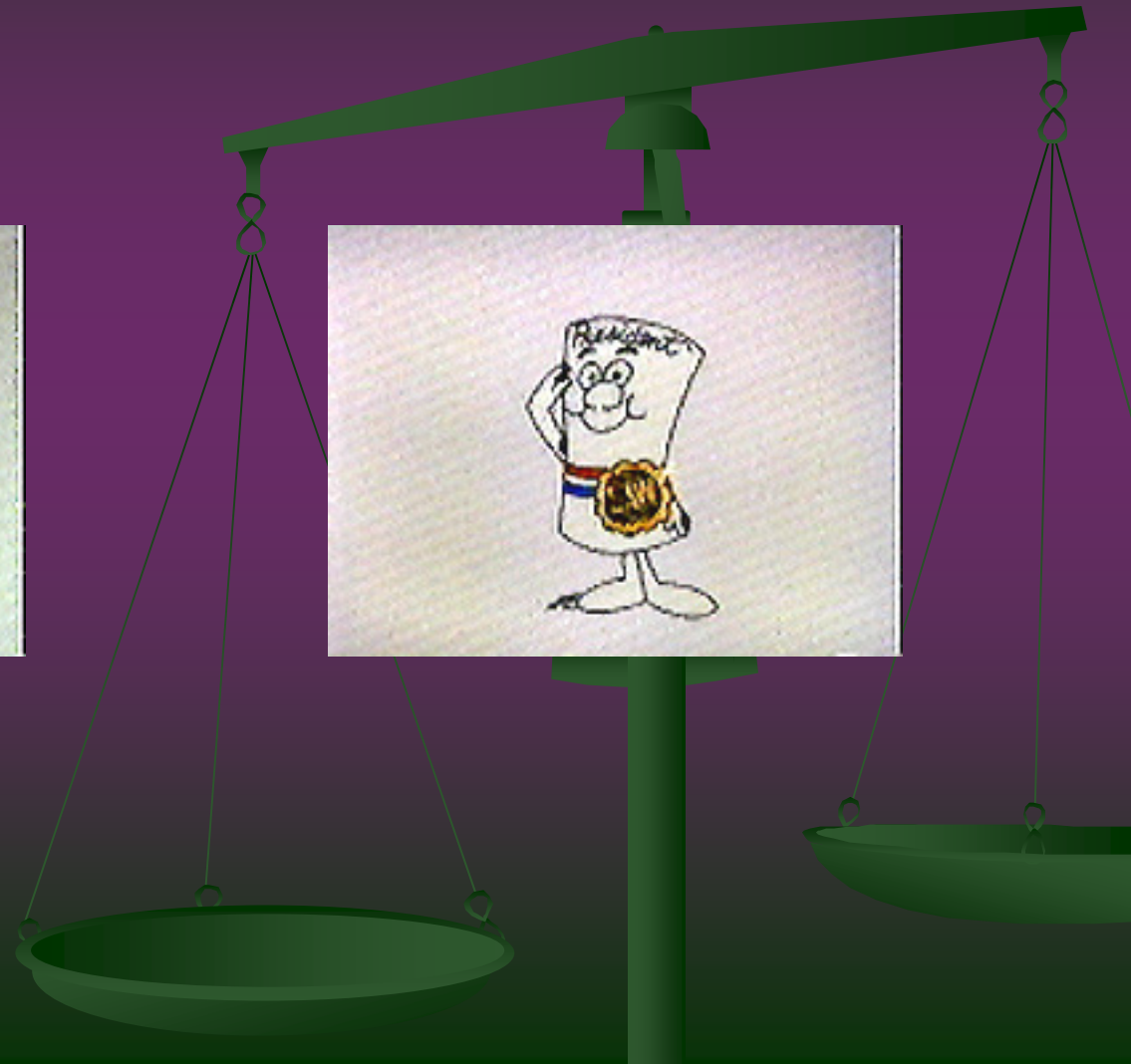
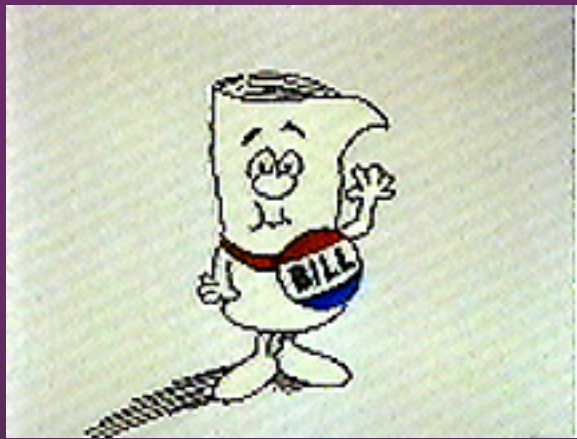
"Representative: He signed you, Bill! Now you're a law!

Bill: Oh yes!!!"

HB 100 is signed by the Governor



Bills trying to become Law



Appointment of An Auditor



- **HB 2816 by Representative Homer**
 - Change population from 10,200 to 18,000
 - Referred to House County Affairs
- **HB 3926 by Representative Donna Howard**
 - Would require every county have a county auditor
 - Referred to House County Affairs

Limitation on Compensation of County Auditor

All these bills change Local Government Code § 152.032 (d)

- **HB 2156 by Representative Escobar/SB 833 by Senator Lucio**
 - Includes Willacy County and excludes Bexar County
 - HB 2156: Placed on House Local Calendar for 5/8/07
 - SB 833: Referred to House County Affairs on 4/30/07
- **HB 3503 by Representative Farabee**
 - Changes population from 500,000 to 120,000
 - Placed on the House General Calendar for 5/8/07
- **SB 1630 by Senator Wentworth**
 - Includes Comal County and excludes Bexar County
 - Referred to House County Affairs on 4/30/07

Audit of County Jail's Commissary Operations

HB 1780 by Representative Harless

Would require the auditor to give an audit of the jail commissary to the Texas Commission on Jail Standards only once a year, instead of quarterly

Last Action: Placed on Senate Local & Uncontested calendar for 5/8/07

Preparing Annual Budget



HB 2740 by Representative Quintanilla

SB 1510 by Senator Lucio

Changes preparing the a budget from “on or immediately after” the first day of each fiscal year to “Within 30 days before”

HB 2740: Reported out of House County Affairs on 5/2/07

SB 1510: Referred to House County Affairs on 5/4/07

Timely Deposits



HB 892 by Representative Hilderbran

Requires County Treasurer to deposit funds that are received *on or before the 7th business day* after receipt.

Last Action: Referred to Senate Intergovernmental Relations on 4/26/07

County Accounting Procedures

SB 1106 by Senator Watson

HB 2485 by Representative Farabee

The Texas Association of County Auditors has identified statutes that have inadvertently created conflict, confusion, or redundancy in the financial processes of county government.

1. **Allows the auditor to retain financial documents that are subject to an expunction order, but redact the info that is supposed to be expunged.**
2. **Extends the time complete and send the law enforcement forfeiture audit from "30 days" to "60 days". If OAG extends the time for good cause, it is changed from "46th" to "76th" day**
3. **Withholding of payment of person indebted to the county**
 1. Defines "debt"
 2. Requires notice to person that check will be withheld unless debt has been resolved
 3. Can apply any funds owed to the person to that person's debt, if notice has been given

SB 1106: Sent to Governor on 5/7/07

HB 2485: General Calendar on 4/26/07

More Information

- County Affairs Section – Zindia Thomas
 - 800-252-5476 or 512-463-2060
 - zindia.thomas@oag.state.tx.us
 - Publications:
 - County Powers & Duties:
http://www.oag.state.tx.us/AG_Publications/pdfs/2005co_powers_duties.pdf
 - Legal Services for County Officials:
http://www.oag.state.tx.us/AG_Publications/pdfs/co_legsvcs2003.pdf
 - Opinions: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>
 - Legislature: <http://www.capitol.state.tx.us>
 - Bill becomes a Law: <http://www.tlc.state.tx.us/gtli/legproc/process.html>
- 