

By: Howard of Travis

H.B. No. 3926

A BILL TO BE ENTITLED

AN ACT

relating to requiring the appointment of a county auditor.

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

SECTION 1. Section 84.002, Local Government Code, is amended to read as follows:

Sec. 84.002. APPOINTMENT OF COUNTY AUDITOR. The ~~[(a) In a county with a population of 10,200 or more, the]~~ district judges of each county shall appoint a county auditor, subject to the joint employment provisions of Section 84.008.

~~[(b) In a county with a population of less than 10,200:~~

~~[(1) the district judges may appoint a county auditor if the judges determine that the county's financial circumstances warrant the appointment; and~~

~~[(2) the district judges shall appoint a county auditor if:~~

~~[(A) the commissioners court finds that a county auditor is necessary to carry out county business and enters an order in its minutes stating the reason for this finding;~~

~~[(B) the order is certified to the district judges; and~~

~~[(C) the district judges find the reason stated by the commissioners court to be good and sufficient.]~~

SECTION 2. The heading to Section 84.008, Local Government Code, is amended to read as follows:

1           Sec. 84.008. JOINT EMPLOYMENT OF COUNTY AUDITOR IN TWO OR  
2 MORE COUNTIES [~~WITH POPULATION OF LESS THAN 25,000~~].

3           SECTION 3. Section 84.008(b), Local Government Code, is  
4 amended to read as follows:

5           (b) After the commissioners courts have made an [~~determined~~  
6 ~~that an auditor is necessary in the disposition of county business~~  
7 ~~and after the~~] agreement to jointly employ and compensate a county  
8 auditor [~~is made~~], the commissioners court of each county shall  
9 enter in its minutes an order stating its agreement [~~determination~~  
10 ~~of the necessity~~] and [~~shall~~] certify the order to the district  
11 judges of the county. If the judges find the orders good and  
12 sufficient, they shall appoint the county auditor by an order  
13 recorded in the minutes of the district courts of all counties party  
14 to the agreement. The district clerk of each county shall certify  
15 the order to the commissioners court of that county, who shall  
16 record the order in its minutes.

17           SECTION 4. Not later than the beginning of the first county  
18 fiscal year that begins after the effective date of this Act, the  
19 district judges of a county shall appoint a county auditor as  
20 required by Section 84.002, Local Government Code, as amended by  
21 this Act.

22           SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.