

By: Leibowitz

H.B. No. 3825

A BILL TO BE ENTITLED

AN ACT

relating to legal representation for a county auditor.

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

SECTION 1. Subchapter A, Chapter 84, Local Government Code, is amended by adding Section 84.010 to read as follows:

Sec. 84.010. REPRESENTATION OF COUNTY AUDITOR. (a) In addition to the entitlement to representation provided by Section 157.901, a county auditor is entitled to representation by the district attorney or criminal district attorney of the county, or by private counsel, in all civil litigation or anticipated litigation in which a county official or county employee sues the auditor for an action arising from performance of a public duty or power of office.

(b) The county auditor must first request the district attorney or criminal district attorney to provide representation. If the district attorney or criminal district attorney declines to provide representation, the county auditor may employ private counsel.

(c) If the county auditor employs private counsel under Subsection (b), the commissioners court shall pay the county auditor's reasonable attorney's fees and costs of litigation from the general funds of the county. Reasonable fees are the usual and customary attorney's fees for the type of claim for which representation is provided, and include fees necessary to obtain

1 payment under this section.

2 SECTION 2. The change in law made by this Act applies only
3 to a cause of action that accrues on or after the effective date of
4 this Act. A cause of action that accrues before the effective date
5 of this Act is governed by the law in effect immediately before that
6 date, and that law is continued in effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.