

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 3, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3825 by Leibowitz (Relating to legal representation for a county auditor.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to stipulate that a county auditor is entitled to legal 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. If a county auditor requests representation from the district or criminal district attorney and the attorneys decline to provide representation, the commissioners court would be required to pay the auditor's reasonable attorney's fees for private counsel and litigation costs from the county's general fund.

Provisions of the bill would apply only to a cause of actions that accrues on or after the effective date of the bill. The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

Local Government Impact

The costs to a county would depend on the number of cases in which legal representation is required for the auditor, the complexity of each case, and the length of time representation is required; however, attorneys fees and litigation costs could be significant.

Source Agencies:

LBB Staff: JOB, DB