

**BILL ANALYSIS**

C.S.H.B. 3698  
By: Smithee  
County Affairs  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Current law requires district judges in counties with a population of 10,200 or more to appoint a county auditor. This requirement is considered by some to be unnecessary and costly, particularly for counties that barely meet the threshold for this requirement. C.S.H.B. 3698 seeks to increase the minimum county population threshold for which district judges are required to appoint a county auditor.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 3698 amends the Local Government Code to increase from 10,200 to 10,500 the minimum county population threshold of a county for which the district judges are required to appoint a county auditor.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3698 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

**INTRODUCED**

**HOUSE COMMITTEE SUBSTITUTE**

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

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Sec. 84.002. APPOINTMENT OF COUNTY AUDITOR. (a) In a county with a population of **12,000** [~~10,200~~] or more, the district judges shall appoint a county auditor.

Sec. 84.002. APPOINTMENT OF COUNTY AUDITOR. (a) In a county with a population of **10,500** [~~10,200~~] or more, the district judges shall appoint a county auditor.

(b) In a county with a population of less than **12,000** [~~10,200~~]:

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(1) the district judges may appoint a county auditor if the judges determine that the county's financial circumstances warrant the

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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. This Act takes effect September 1, 2013.

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(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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.