

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 17, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3762 by Coleman (Relating to the legal defense and indemnification of county officials and employees.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to authorize the Attorney General to represent a county official or employee, at the request of a county official or employee, in an action arising from the performance of public duty or the refusal to take a formal action that the official or employee considers contrary to law.

A county or district attorney who is not fully funded to provide representation, or the Attorney General, would be entitled to reasonable legal fees paid from the county's general fund or a legal expenses fund. Legal fees paid from the county's general fund may be recovered by court order from a person initiating legal action, other than the county official or employee.

The commissioners court of a county may provide for the indemnification against personal liability for other losses incurred by the officer in the performance of official duties if the loss was not the result of the officer's negligence or criminal action.

According to the Office of the Attorney General (OAG), there would be costs if the OAG represented a county official or employee in one of the aforementioned causes of action; however, it is anticipated that any costs associated with the bill could be absorbed within existing resources.

Local Government Impact

There could be a fiscal impact to a county; however, the amounts would vary and is not anticipated to be significant. Auditors from El Paso, Grayson and Johnson counties indicated no fiscal impact is anticipated. The auditors added that if a county official or employee is sued for performing an official duty, the official or employee would receive necessary legal advice and representation.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, TP, KKR, SD, JM