

**Amendment No. 2 to HB1376**

**Armstrong**  
**Signature of Sponsor**

**AMEND Senate Bill No. 1401**

**House Bill No. 1376\***

by deleting the language:

**9-4-5115.**

No state funds received by a local government unit shall be expended to pay attorney's fees, court costs, or other expenses attributable to a lawsuit filed against the state, a state agency, or a state official in which the local government unit is named as a plaintiff. If the state, agency, or official prevails in the lawsuit, then the department of finance and administration shall deduct from the local government unit's allocation of state-shared taxes, in the case of a city or county, or allocation of funds based on the Basic Education Program (BEP) formula, in the case of an LEA, such sum or part of such sum to recover attorney's fees, court costs, and other expenses attributable to defending the state in the lawsuit. As used in this section, "local government unit" means a county, municipality, or local education agency (LEA) as defined in § 49-1-103.

and substituting instead the language:

**9-4-5115.**

(a) No state funds received by a local government unit shall be expended to pay attorney's fees, court costs, or other expenses attributable to a lawsuit filed against the state, a state agency, or a state official in which the local government unit is named as a plaintiff.

(b) If the state, a state agency, or a state official prevails in a lawsuit filed by a local government unit against the state, a state agency, or a state official and a final order is entered against the local government unit that awards attorney's fees, court costs, or other expenses, then the department of finance and administration shall deduct

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from the local government unit's allocation of state-shared taxes, in the case of a city or county, or allocation of funds based on the Basic Education Program (BEP) formula, in the case of an LEA, such sum or part of such sum to recover the attorney's fees, court costs, and other expenses awarded by the court.

(c) For purposes of this section, "local government unit" means a county, municipality, or local education agency (LEA) as defined in § 49-1-103.