

BILL ANALYSIS

S.B. 1013
By: Harris
County Affairs
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, those counties that may create hospital districts under Section 281, Health and Safety Code, are represented by the county attorney, district attorney, or criminal district attorney, as appropriate, in all legal matters. The district can also hire additional counsel if it is determined to be advisable. There are hospital districts that are currently only using private counsel.

As proposed, S.B. 1013 allows these hospital districts to hire private legal counsel from the outset and then provide for the locally elected county or district attorney to represent the district if private counsel is not hired. The proposed legislation also clarifies that a hospital district may hire private counsel to represent the district.

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

SECTION 1. Amends Sections 281.056(b) and (d), Health and Safety Code, as follows:

(b) Authorizes certain hospital districts to employ or contract with private legal counsel to represent the district on any legal matter. Requires certain public attorneys with the duty to represent the county in civil matters to represent the district, if the district does not employ or contract with private legal counsel on a legal matter.

(d) Requires the district, if the district receives legal services from certain public attorneys, to contribute sufficient funds to the general fund of the county for the account of the budget of certain public attorneys, as appropriate, to pay all additional salaries and expenses incurred by that officer in performing the duties required by the district.

SECTION 2. Repealer: Section 281.056(c) (Authority to Sue and Be Sued; Legal Representation).

SECTION 3. Effective date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 adds Subsection (b-1) to Section 281.056, Health and Safety Code, which requires the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters, to represent, in all legal matters, a district located in a county with a population of 650,000 or more that borders the United Mexican States (El Paso County); a county with a population of 3.4 million or more (Harris County); or a county with a population of more than 800,000 that was not included in the boundaries of a hospital district before September 1, 2003 (Travis County).

Committee Amendment No. 1 strikes SECTION 2 of the original bill, which proposed to repeal Subsection (c), Section 281.056, Health and Safety Code, so that the effect of the Committee Amendment is to leave current law unchanged in regard to Subsection (c).