

BILL ANALYSIS

H.B. 2038
By: Geren
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that emergency services districts in certain populous counties may have an occasional need to contract for private legal counsel, but current law does not authorize a district to enter into such a contract. H.B. 2038 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2038 amends the Health and Safety Code to authorize an emergency services district located wholly in a county with a population of 1.8 million or more in which two or more cities with a population of 350,000 or more are located to employ or contract with private legal counsel to represent the district on any legal matter. The bill requires the county attorney, district attorney, or criminal district attorney, as appropriate, 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.

H.B. 2038 authorizes a district that receives legal services from a county attorney, district attorney, or criminal district attorney to employ additional private legal counsel on the determination of the district's board of emergency services commissioners that additional counsel is advisable. The bill authorizes a district that contracts or employs private legal counsel to request and receive additional legal services from the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters on the board's determination that additional counsel is necessary. The bill requires a district that receives legal services from a county attorney, district attorney, or criminal district attorney to contribute money to be credited to the county's general fund account for the county attorney, district attorney, or criminal district attorney, as appropriate, in amounts sufficient to pay all additional salaries and expenses incurred by that officer in performing the duties required by the district.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.