

BILL ANALYSIS

Senate Research Center
79R2435 KEG-D

S.B. 1013
By: Harris
Intergovernmental Relations
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION 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 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: September 1, 2005.