

## **BILL ANALYSIS**

Senate Research Center  
86R25051 SLC-F

C.S.S.B. 970  
By: Creighton  
Water & Rural Affairs  
4/10/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, any district, city, or other political subdivision or agency of the state that has the power to own and operate waste collection, transportation, treatment, or disposal facilities or systems, and any joint board created under the provisions of Subchapter D or E, Chapter 22, Transportation Code, may not enter into a contract as provided by Subchapter C, Chapter 2254, without review and approval by the comptroller of public accounts of the State of Texas (comptroller). This duty is better handled by the Texas attorney general (attorney general) instead. S.B. 970 reassigns this duty from the comptroller to the attorney general. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 970 amends current law relating to the review and approval of contingent fee contracts for certain public agencies.

### **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 Chapter 140, Local Government Code, by adding Section 140.012, as follows:

Sec. 140.012. CONTINGENT FEE CONTRACT APPROVAL REQUIRED FOR PUBLIC AGENCIES. Prohibits a public agency as defined by Section 30.003 (Definitions), Water Code, from entering into a contract described by Subchapter C (Contingent Fee Contract For Legal Services), Chapter 2254, Government Code, without review and approval by the Texas attorney general (attorney general).

(b) Provides that this section does not apply to:

- (1) a contingent fee contract to collect delinquent ad valorem taxes under Section 6.30 (Attorneys Representing Taxing Units), Tax Code, or Subchapter C (Delinquent Tax Suits), Chapter 33, Tax Code;
- (2) a contingent fee contract to collect delinquent court fines and fees under Article 103.0031 (Collection Contracts), Code of Criminal Procedure;
- (3) a contingent fee contract to collect delinquent accounts receivable, including weed liens and paving liens, or other special assessments;
- (4) a contingent fee contract for services rendered in connection with the issuance of a public security under Section 1201.027 (Authority of Issuer to Contract For Services), Government Code; or

(5) a type of contingent fee contract designated by the attorney general by rule based on the insignificance of the risk involved or the existence of statutory authority for the contract.

SECTION 2. Repealer: Section 403.0305 (Approval by Comptroller), Government Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2019.