

BILL ANALYSIS

C.S.H.B. 2003
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been observed that the office of the attorney general is better suited than the comptroller of public accounts to review and approve certain contingent fee contracts for legal services since that office already reviews legal services contracts on behalf of many other entities. C.S.H.B. 2003 seeks to provide for the efficient and effective administration of state government by revising requirements for the review and approval of contingent fee contracts for certain public agencies.

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 rulemaking authority is expressly granted to the attorney general in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2003 amends the Local Government Code to prohibit a political subdivision or state agency which has the power to own and operate waste collection, transportation, treatment, or disposal facilities or systems and any joint board created to jointly operate county and municipal airport facilities from entering into a contingent fee contract for legal services under the Professional Services Procurement Act without review and approval by the attorney general. The bill exempts the following contracts from that prohibition:

- certain contracts to collect delinquent property taxes;
- certain contracts to collect delinquent court fines and fees;
- a contract to collect delinquent accounts receivable, including weed liens and paving liens, or other special assessments; and
- a type of contract designated by the attorney general by rule based on the insignificance of the risk involved or the existence of express statutory authority for the contract.

C.S.H.B. 2003 repeals Section 403.0305, Government Code, which prohibits an entity subject to the bill's provisions from entering into a contingent fee contract for legal services without review and approval by the comptroller of public accounts.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2003 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes an exemption from the prohibition for certain contracts.