

BILL ANALYSIS

Senate Research Center

S.B. 1863
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Finance
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As Filed

DIGEST

Recently, a number of state agencies have retained outside legal counsel on a contingency fee basis. The state agency is essentially appropriating state funds without legislative approval, thereby usurping the legislature's constitutional authority. This bill requires compensation paid by a state agency in the executive department to an attorney to be on a reasonable hourly rate of service and the number of hours of service provided to the state agency, plus reasonable expenses approved in advance by the state agency and the attorney general.

PURPOSE

As proposed, S.B. 1863 requires compensation paid by a state agency in the executive department to an attorney to be on a reasonable hourly rate of service and the number of hours of service provided to the state agency, plus reasonable expenses approved in advance by the state agency and the attorney general.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 402.0212, Government Code, by adding Subsection (d), to require compensation paid by a state agency in the executive department to an attorney to be based on a reasonable hourly rate of service and the number of hours of service provided to the state agency, plus reasonable expenses approved in advance by the state agency and the attorney general, unless an alternative fee arrangement is approved in advance by the legislature.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.