

## **BILL ANALYSIS**

Senate Research Center  
84R8062 KJE-F

H.B. 2038  
By: Geren (Hancock)  
Intergovernmental Relations  
5/8/2015  
Engrossed

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

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.

H.B. 2038 amends current law relating to legal representation for certain emergency services districts.

### **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 Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0315, as follows:

Sec. 775.0315. LEGAL REPRESENTATION. (a) Provides that this section applies only to a 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.

(b) Authorizes the district to employ or contract with private legal counsel to represent the district on any legal matter. 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.

(c) 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 board of emergency services commissioners (board) that additional counsel is advisable. Authorizes a district that contracts or employs private legal counsel under Subsection (b) 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.

(d) Requires the district 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 if the district receives legal services from a county attorney, district attorney, or criminal district attorney.

SECTION 2. Effective date: upon passage or September 1, 2015.