

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 1259  
By: Kolkhorst et al. (Duncan)  
State Affairs  
5/22/2009  
Committee Report (Substituted)

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

C.S.H.B. 1259 amends current law relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.

### **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 Section 825.203, Government Code, as follows:

Sec. 825.203. New heading: LEGAL REPRESENTATION. (a) Provides that the attorney general of the state is the legal adviser of the board of trustees of the Teacher Retirement System of Texas (board). Requires the attorney general to represent the board in all litigation.

(b) Prohibits the board from employing outside legal counsel to provide legal services to the retirement system except as provided by this section and Section 402.0212 (Provision of Legal Services;-Outside Counsel), regardless of the source of funds to be used to pay the outside counsel. Defines "legal services."

(c) Requires the attorney general to timely act on a request to approve a contract for outside legal services under Section 402.0212. Provides that if the attorney general denies the board's request for approval of a contract for outside legal services:

(1) the attorney general is required to provide the board for the denial; and

(2) the board is authorized to select alternative outside legal counsel, subject to approval by the attorney general in accordance with this section and Section 402.0212.

SECTION 2. Makes application of Section 825.203(c), Government Code, as added by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.