

By: Kolkhorst, Leibowitz, Legler,
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H.B. No. 1259

A BILL TO BE ENTITLED

AN ACT

relating to hiring outside legal counsel to provide legal services
to the Teacher Retirement System of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 825.203, Government Code, is amended to
read as follows:

Sec. 825.203. LEGAL REPRESENTATION [~~ADVISER~~]. (a) The
attorney general of the state is the legal adviser of the board of
trustees. The attorney general shall represent the board in all
litigation.

(b) The board may not employ outside legal counsel to
provide legal services to the retirement system except as provided
by Section 402.0212, regardless of the source of funds to be used to
pay the outside counsel. For purposes of this subsection, "legal
services" includes services provided by an attorney regarding
ethics and fiduciary responsibilities.

(c) Notwithstanding the requirement under Section
402.0212(a) that the attorney general provide legal services to a
state agency if the attorney general denies approval of a contract
for legal services, the attorney general shall, in a timely manner,
assist the board with selecting alternative outside legal counsel
if the attorney general denies approval under that section of the
board's request for outside legal counsel.

SECTION 2. Section 825.203(b), Government Code, as added by

1 this Act, is intended to clarify rather than change existing law.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.