

1-1 By: Ogden S.B. No. 367
1-2 (In the Senate - Filed January 18, 2011; February 2, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 8, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 8, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the review by the attorney general of invoices related
1-9 to legal services provided to state agencies by outside counsel.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 402.0212, Government Code, is amended by
1-12 amending Subsections (b) and (c) and adding Subsections (d), (e),
1-13 and (f) to read as follows:

1-14 (b) An invoice submitted to a state agency under a contract
1-15 for legal services as described by Subsection (a) must be reviewed
1-16 by the attorney general to determine whether the invoice is
1-17 eligible for payment.

1-18 (c) An attorney or law firm must pay an administrative fee
1-19 to the attorney general for the review described in Subsection (b)
1-20 when entering into a contract to provide legal services to a state
1-21 agency.

1-22 (d) For purposes of this section, the functions of a hearing
1-23 examiner, administrative law judge, or other quasi-judicial
1-24 officer are not considered legal services.

1-25 (e) [~~(c)~~] This section shall not apply to the Texas Turnpike
1-26 Authority division of the Texas Department of Transportation.

1-27 (f) The attorney general may adopt rules as necessary to
1-28 implement and administer this section.

1-29 SECTION 2. The changes in law made by this Act apply only to
1-30 a contract for legal services between a state agency and a private
1-31 attorney or law firm entered into on or after the effective date of
1-32 this Act. A contract for legal services between a state agency and
1-33 a private attorney or law firm entered into before the effective
1-34 date of this Act is governed by the law in effect at the time the
1-35 contract was entered into, and the former law is continued in effect
1-36 for that purpose.

1-37 SECTION 3. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2011.

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