

By: Huffman

S.B. No. 1370

A BILL TO BE ENTITLED

AN ACT

relating to the approval by the comptroller of certain contracts for legal services between an attorney and the attorney general.

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

SECTION 1. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.0211 to read as follows:

Sec. 402.0211. CONTRACTS FOR OUTSIDE COUNSEL RETAINED BY ATTORNEY GENERAL. (a) This section applies only to a contract between an attorney, other than an attorney who is a full-time employee of the office of attorney general, and the attorney general for the performance of legal services authorized or required to be performed by the attorney general under this chapter or other law.

(b) A contract to which this section applies must be approved by the comptroller to be valid. If the comptroller denies approval of a contract under this section, the attorney general shall provide the legal services that are the subject of the contract in the manner required under this chapter.

(c) An invoice from an attorney submitted to the attorney general under a contract for legal services as described by Subsection (a) must be:

(1) except as provided by Subsection (e), submitted to the comptroller by the attorney general not later than the 25th day after the date the attorney general receives the invoice; and

1 (2) reviewed by the comptroller only to determine
2 whether the legal services for which the attorney general is billed
3 were performed within the term of the contract and are within the
4 scope of the legal services authorized by the contract and are
5 therefore eligible for payment.

6 (d) The attorney general shall include with an invoice
7 submitted under Subsection (c)(1) a written certification that the
8 legal services for which the attorney general is billed were
9 performed within the term of the contract, are within the scope of
10 the legal services authorized by the contract, and are reasonably
11 necessary to fulfill the purpose of the contract. To certify an
12 invoice under this subsection, the attorney general must, at a
13 minimum, determine that the following items are supported by proper
14 documentation and submitted to the attorney general under the
15 requirements of the contract:

16 (1) the amount and types of expenses billed under the
17 invoice;

18 (2) the rates for legal services under the invoice;
19 and

20 (3) the number of hours billed for legal services
21 under the invoice.

22 (e) If the attorney general receives an invoice under a
23 contract for legal services as described by Subsection (a) and
24 rejects or disputes the invoice as not certifiable under Subsection
25 (d), the attorney general shall, not later than the 21st day after
26 the date the attorney general receives the invoice, notify the
27 attorney or law firm providing the invoice and request a corrected

1 invoice. The period under Subsection (c)(1) begins on the date the
2 attorney general receives a corrected invoice that is certifiable
3 under Subsection (d).

4 (f) If the comptroller rejects or disputes an invoice and
5 certification submitted by the attorney general under this section,
6 the comptroller shall notify the attorney general that the invoice
7 is not eligible for payment. The attorney general may submit a
8 corrected invoice and certification, and the requirements of
9 Subsections (c), (d), and (e) apply to the corrected invoice and
10 certification.

11 (g) An attorney or law firm must pay an administrative fee
12 to the comptroller for the review described in Subsection (c) when
13 entering into a contract to provide legal services to the attorney
14 general.

15 (h) The comptroller may adopt rules as necessary to
16 implement and administer this section.

17 SECTION 2. The heading to Section [402.0212](#), Government
18 Code, is amended to read as follows:

19 Sec. 402.0212. PROVISION OF LEGAL SERVICES TO STATE
20 AGENCIES--OUTSIDE COUNSEL.

21 SECTION 3. The change in law made by this Act applies only
22 to a contract entered into on or after the effective date of this
23 Act. A contract entered into before the effective date of this Act
24 is governed by the law in effect immediately before the effective
25 date of this Act, and that law is continued in effect for that
26 purpose.

27 SECTION 4. This Act takes effect September 1, 2021.