

BILL ANALYSIS

Senate Research Center
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S.B. 992
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, we passed S.B. 1370 to address delays in payment for outside legal counsel invoices. The law extended the review period for invoices from 30 to 45 days to accommodate the complexity of these invoices. However, challenges remain in the approval process for contracts for outside legal services, particularly regarding the timeline for the attorney general's review.

State agencies rely on outside counsel for specialized legal services, and delays in contract approvals hinder timely legal work. S.B. 992 aims to improve the approval process for outside counsel contracts by ensuring a more efficient timeline and clearer communication when contracts are denied.

Specifically, S.B. 992 would require the attorney general to approve or deny contracts for outside legal services no later than 25 days after the contract is submitted by the requesting state agency. This shorter, more predictable timeline will eliminate ambiguity and ensure that agencies can move forward with essential legal work in a timely manner. Further, if the attorney general denies a contract for outside legal services, S.B. 992 requires the attorney general to provide a written explanation for the denial. This provision will provide transparency and clarity to the submitting agency, allowing them to address any concerns or issues raised by the attorney general and work toward resolution.

As proposed, S.B. 992 amends current law relating to the procedure by which the attorney general approves or denies approval of a state agency contract for outside legal services.

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 402.0212, Government Code, by adding Subsection (a-1), as follows:

(a-1) Requires the attorney general to approve or deny approval of a contract for legal services described by Subsection (a) (relating to approval by the attorney general of a contract for legal services between an attorney and a state agency in the executive department) not later than the 25th day after the date the contract is received by the attorney general from the submitting state agency. Requires the attorney general, if the attorney general denies approval of the contract, to provide the state agency that submitted the contract a written explanation of the reason the attorney general denied approval of the contract.

SECTION 2. Amends Section 825.203(c), Government Code, as follows:

(c) Deletes existing text requiring the attorney general to timely act on a request to approve a contract for outside legal services under Section 402.0212 (Provision of Legal Services--Outside Counsel) and requiring the attorney general, if the attorney general denies the board of trustees' (board) request for approval of a contract for outside legal

services, to provide the board with the reason for the denial. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.