

BILL ANALYSIS

Senate Research Center
76R4105 CAS-D

S.B. 491
By: Luna
Education
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As Filed

DIGEST

Currently, Texas law permits multi-year contracts between a school district and an attorney representing a school district. This bill would prohibit multi-year contracts between a school district and an attorney representing a school district, and would provide that the attorney serve at the will of the school district, regardless of any contract entered into by both parties, with the exception of attorneys who are salaried employees of the district. This bill would also provide that a legal service contract purporting to bind a school district for a fixed term or obligating the district to pay a retainer in excess of payments for services actually rendered, is void.

PURPOSE

As proposed, S.B. 491 specifies obligations regarding contractual terms for legal services provided to school districts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 44B, Education Code, by adding Section 44.042, as follows:

Sec. 44.042. **CONTRACTS FOR LEGAL SERVICES.** Establishes that an attorney representing a school district serves at the will of the school district, notwithstanding the terms of a contract to the contrary. Provides that a contract for legal services that binds or obligates the school district to certain requirements is void. Specifies that this section does not apply to an attorney who is a salaried employee of the school district.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.