

## **BILL ANALYSIS**

Senate Research Center

H.B. 1259  
By: Kolkhorst et al. (Duncan)  
State Affairs  
5/19/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 1259 amends current law relating to hiring outside legal counsel to provide legal services to the Teacher Retirement System of Texas.

### **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 825.203, Government Code, as follows:

Sec. 825.203. New heading: LEGAL REPRESENTATION. (a) Provides that the attorney general of the state is the legal adviser of the board of trustees of the Teacher Retirement System of Texas (board). Requires the attorney general to represent the board in all litigation.

(b) Prohibits the board from employing outside legal counsel to provide legal services to the retirement system except as provided by Section 402.0212 (Provision of Legal Services;-Outside Counsel), regardless of the source of funds to be used to pay the outside counsel. Defines "legal services."

(c) Requires the attorney general, notwithstanding the requirement under Section 402.0212(a) (relating to a contract for legal services between an attorney) that the attorney general provide legal services to a state agency if the attorney general denies approval of a contract for legal services, to, 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. Provides that Section 825.203(b), Government Code, as added by this Act, is intended to clarify rather than change existing law.

SECTION 3. Effective date: upon passage or September 1, 2009.