

## CHAPTER 753

S.B. No. 877

## AN ACT

relating to the duties of the attorney general in representation of the legislature and state agencies and to certain immunities from liability.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 301, Government Code, is amended by adding Subchapter E to read as follows:

**SUBCHAPTER E. LEGAL REPRESENTATION OF LEGISLATURE**

*Sec. 301.061. LEGAL REPRESENTATION OF LEGISLATURE. (a) Subject to the requirements of Subsection (b) and to the exception provided in Subsection (c), the legislature, after notifying and consulting the attorney general, may employ counsel, or authorize the counsel of a legislative agency, to file suits on behalf of the legislature, to intervene in pending litigation on behalf of the legislature, or to otherwise represent the legislature in the courts of this state or in the courts of the United States.*

*(b) Representation of the legislature under this section is authorized only if:*

- (1) the speaker and the president of the senate approve the representation in writing; or*
- (2) both houses by concurrent resolution approve the representation.*

*(c) Subsection (a) does not apply to the representation of the interests of the legislature before the Supreme Court of Texas in violation of Article IV, Section 22, of the Texas Constitution.*

*(d) A member of the legislature is immune from civil liability resulting from the legislature's participation in litigation under this section, including liability for attorney fees, costs, and sanctions that may be awarded in the litigation. This subsection is cumulative of the common law immunity applicable to the conduct of members of the legislature.*

SECTION 2. Section 402.0211, Government Code, is repealed.

SECTION 3. Section 402.0212, Government Code, is amended by adding Subsection (c) to read as follows:

*(c) This section shall not apply to the Texas Turnpike Authority.*

SECTION 4. Section 21d, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), is repealed.

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately.

(b) Section 2 of this Act takes effect September 1, 1993.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 19, 1993: Yeas 29, Nays 0; the Senate concurred in House amendments on May 21, 1993: Yeas 30, Nays 1; passed the House, with amendments, on May 18, 1993: Yeas 130, Nays 15, one present not voting.

Approved June 17, 1993.

Effective June 17, 1993, except § 2, effective Sept. 1, 1993.