

BILL ANALYSIS

S.B. 416
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During and immediately following Hurricane Harvey, the attorney general's office received numerous phone calls, emails, and other contacts from local jurisdictions and state agencies seeking legal guidance on various issues. It has been noted, however, that current law prevents the office from providing legal advice to local officials except in very limited circumstances. S.B. 416 seeks to ensure that local officials receive the support they need by authorizing the office to provide legal counsel to a political subdivision subject to a disaster declaration on issues related to disaster mitigation, preparedness, response, and recovery.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 416 amends the Government Code to authorize the attorney general to provide legal counsel to a political subdivision subject to a gubernatorial disaster declaration on issues related to disaster mitigation, preparedness, response, and recovery applicable to the area subject to the declaration. A request for such counsel may be submitted only by the political subdivision's designated emergency management director, the county judge or a commissioner of a county subject to the declaration, or the mayor of a municipality subject to the declaration. The bill's provisions apply only during the declared state of disaster and the 90-day period following the expiration or termination of the declaration.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.