

BILL ANALYSIS

Senate Research Center
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S.B. 416
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Attorney General of Texas may provide legal advice to local officials in very limited circumstances. During times of declared disasters, many legal issues often arise, and interested parties believe it is necessary for local entities to be able to seek legal advice from the attorney general during those declared disasters. S.B. 416 gives the attorney general the authority to provide legal advice during declared disasters to specified local individuals.

As proposed, S.B. 416 amends current law relating to legal counsel provided by the attorney general to a political subdivision subject to a declared state of disaster.

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 Subchapter H, Chapter 418, Government Code, by adding Section 418.193, as follows:

Sec. 418.193. ATTORNEY GENERAL AS LEGAL ADVISOR ON ISSUES RELATED TO DECLARED DISASTER. (a) Provides that this section applies only during a declared state of disaster under Section 418.014 (Declaration of State of Disaster) and the 90-day period following the expiration or termination of the disaster declaration.

(b) Authorizes the Texas attorney general to provide legal counsel to a political subdivision subject to a declared state of disaster under Section 418.014 on issues related to disaster mitigation, preparedness, response, and recovery applicable to the area subject to the disaster declaration.

(c) Authorizes a request for counsel under this section to be submitted only by the emergency management director designated under Section 418.1015 (Emergency Management Directors) for the political subdivision, the county judge or a commissioner of a county subject to the declaration, or the mayor of a municipality subject to the declaration.

SECTION 2. Effective date: upon passage or September 1, 2019.