

BILL ANALYSIS

Senate Research Center

S.B. 1339
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, only county and district attorneys are authorized to seek attorney general opinions on matters in which the state is an interested party. What's more, certain persons specified in statute also are authorized to request attorney general opinions regarding questions affecting the public interest or concerning the official duties of the requesting person.

A limited number of counties have established civil legal departments to serve as legal counsel to their respective commissioners courts, but these entities are not authorized to seek legal guidance from the attorney general. Accordingly, S.B. 1339 would provide an employee of a county who serves as the head of the county's civil legal department the same ability as county and district attorneys to seek attorney general opinions.

S.B. 1339 amends current law relating to the authority to request attorney general advice on questions relating to actions in which the state is interested.

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 402.043, Government Code, as follows:

Sec. 402.043. QUESTIONS RELATING TO ACTIONS IN WHICH THE STATE IS INTERESTED. Requires the attorney general to advise an attorney, rather than a district or county attorney of this state, on the attorney's request, in the prosecution or defense of an action in which the state is interested before a district or inferior court if:

- (1) creates this subdivision from existing text and makes a nonsubstantive change; and
- (2) the requesting attorney is:
 - (A) a district or county attorney; or
 - (B) a county employee who:
 - (i) serves as the head of the civil legal department of a county located on the international border that has a population of less than 400,000 and contains one or more municipalities with a population of 200,000 or more; and
 - (ii) has received approval for the submission of the request from the commissioners court of the county.

SECTION 2. Effective date: upon passage or September 1, 2021.