

BILL ANALYSIS

S.B. 792
By: Staples
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, job responsibilities of the district and county attorneys in Montgomery County are not clearly defined in statute. As proposed, S.B. 792 statutorily defines the duties and responsibilities of the county attorney in Montgomery County.

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

SECTION 1. Amends Subchapter B, Chapter 45, Government Code, by adding Section 45.270, as follows:

Sec. 45.270. MONTGOMERY COUNTY. (a) Requires the county attorney of Montgomery County, or the county attorney's assistants, to represent the state, Montgomery County, and the officials of the county in all civil matters pending before a court of Montgomery County or any other court.

(b) Provides that the county attorney has powers, duties, and privileges in Montgomery County relating to certain matters.

(c) Authorizes the commissioners court in Montgomery County, notwithstanding Subsection (a), to retain independent counsel in any civil matter.

SECTION 2. Effective date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.