

BILL ANALYSIS

Senate Research Center
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S.B. 1433
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised about the attorney general's ability to assert legislative privilege while representing certain state agencies in court. S.B. 1433 allows the attorney general to assert legislative privilege on behalf of the state or a state agency or official during discovery, hearing, or trial. The attorney general has 30 days from the date that the legislative privilege is asserted to provide evidence of representation of the state or a state agency or official who may properly assert the privilege. Lastly, S.B. 1433 provides a provision that would allow the attorney general not to assert legislative privilege if it would create a conflict.

As proposed, S.B. 1433 amends current law relating to the assertion of legislative privilege by the attorney general in certain legal challenges to the constitutionality of state statutes.

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 402.010, Government Code, by adding Subsections (e), (f), and (g), as follows:

(e) Authorizes the attorney general to assert legislative privilege on behalf of the state or a state agency or official during discovery, hearing, or trial in an action described by Section 402.010 (Legal Challenges to Constitutionality of State Statutes) unless asserting the privilege would create a conflict in the attorney general's representation of the state or a state agency or official.

(f) Provides that the attorney general has 30 days from the date legislative privilege is asserted under Subsection (e) to provide evidence of representation of the state or a state agency or official who is authorized to assert the privilege. Provides that the provision of evidence of that representation on or before that date establishes the attorney general's authority to assert legislative privilege under Subsection (e).

(g) Provides that the attorney general's authority under Subsection (e) is not exclusive and does not affect another person's ability to assert legislative privilege in any matter.

SECTION 2. Effective date: September 1, 2025.