

BILL ANALYSIS

C.S.S.B. 1047
By: Ellis, Rodney
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not adequately protect a state or local officer who is acting in a legislative capacity from being subject to disciplinary action or a sanction, penalty, disability, or liability. This lack of protection may make officers reluctant to perform their duties in certain circumstances. The purpose of C.S.S.B. 1047 is to provide additional protection for a state or local officer acting in a legislative capacity.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.S.B. 1047 amends Subchapter C, Chapter 572, Government Code, by adding Section 572.059, to provide that a state or local officer acting in a legislative capacity shall not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

- an action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
- proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
- the effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
- a breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding: (1) the officer's actions relating to a legislative measure; or (2) the substance, effects, or potential effects of a legislative matter.

The bill applies to both elected and appointed officers.

The bill defines "legislative measure" and "a measure of general application."

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1047 modifies the original by adding language to specify that a member of a governing body of a school district or other political subdivision of this state is included within the definition of "state or local

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