

By: Ellis

S.B. No. 1047

A BILL TO BE ENTITLED

AN ACT

relating to protecting state and local officers from certain consequences based on their legislative actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.059 to read as follows:

Sec. 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS ACTING IN LEGISLATIVE CAPACITY. (a) In this section, "legislative measure" includes:

(1) a bill, resolution, order, or other proposal to adopt, enact, amend, or repeal a statute, ordinance, rule, or policy of general application;

(2) a proposal to adopt, enact, amend, or repeal, or to grant a variance or other exception to, a zoning ordinance; or

(3) a proposed constitutional amendment or charter amendment subject to a vote of the electorate.

(b) For purposes of Subsection (a), a measure that is applicable to a class or subset of persons or matters that is defined in general terms without naming the particular persons or matters is a measure of general application.

(c) To protect the independence of state and local legislative officers, a state or local officer, including any elected or appointed officer, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1 (1) an action permitted by law that the officer takes
2 in the officer's official capacity regarding a legislative measure;

3 (2) proposing, endorsing, or expressing support for or
4 opposition to a legislative measure or taking any action permitted
5 by law to support or oppose a legislative measure;

6 (3) the effect of a legislative measure or of a change
7 in law proposed by a legislative measure on any person; or

8 (4) a breach of duty, in connection with the member's
9 practice of or employment in a licensed or regulated profession or
10 occupation, to disclose to any person information, or to obtain a
11 waiver or consent from any person, regarding:

12 (A) the officer's actions relating to a
13 legislative measure; or

14 (B) the substance, effects, or potential effects
15 of a legislative measure.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.