

AN ACT

relating to the authority and permissible actions of state and local officers, including protecting such 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 officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a

1 school district or other political subdivision of this state, may
2 not be subject to disciplinary action or a sanction, penalty,
3 disability, or liability for:

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

6 (2) proposing, endorsing, or expressing support for or
7 opposition to a legislative measure or taking any action permitted
8 by law to support or oppose a legislative measure;

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

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

15 (A) the officer's actions relating to a
16 legislative measure; or

17 (B) the substance, effects, or potential effects
18 of a legislative measure.

19 SECTION 2. Section 25.051, Local Government Code, is
20 amended to read as follows:

21 Sec. 25.051. OTHER MUNICIPAL OFFICERS. (a) After a
22 municipality adopts the city manager form of government under this
23 chapter, all municipal officers, except members of the governing
24 body of the municipality, shall be appointed as provided by
25 ordinance. However, an elected officer serving at the time of the
26 adoption of the city manager form of government may continue to
27 serve until the expiration of the officer's term.

1 (b) This chapter does not limit the authority of the
2 governing body of a general-law municipality to appoint and
3 prescribe the powers and duties of a municipal officer or employee
4 under Chapter 22, 23, or 24.

5 SECTION 3. Chapter 171, Local Government Code, is amended
6 by adding Section 171.010 to read as follows:

7 Sec. 171.010. PRACTICE OF LAW. (a) For purposes of this
8 chapter, a county judge or county commissioner engaged in the
9 private practice of law has a substantial interest in a business
10 entity if the official has entered a court appearance or signed
11 court pleadings in a matter relating to that business entity.

12 (b) A county judge or county commissioner that has a
13 substantial interest in a business entity as described by
14 Subsection (a) must comply with this chapter.

15 (c) A judge of a constitutional county court may not enter a
16 court appearance or sign court pleadings as an attorney in any
17 matter before:

18 (1) the court over which the judge presides; or

19 (2) any court in this state over which the judge's
20 court exercises appellate jurisdiction.

21 (d) Upon compliance with this chapter, a county judge or
22 commissioner may practice law in the courts located in the county
23 where the county judge or commissioner serves.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1047 passed the Senate on April 2, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1047 passed the House, with amendments, on May 24, 2003, by the following vote: Yeas 110, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor