

By: Ellis

S.B. No. 1047

Substitute the following for S.B. No. 1047:

By: Marchant

C.S.S.B. No. 1047

A BILL TO BE ENTITLED

AN ACT

1
2 relating to protecting state and local officers from certain
3 consequences based on their legislative actions.

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

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

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

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

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

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

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

21 (c) To protect the independence of state and local officers
22 acting in a legislative capacity, a state or local officer, whether
23 elected or appointed, including a member of the governing body of a
24 school district or other political subdivision of this state, may

1 not be subject to disciplinary action or a sanction, penalty,
2 disability, or liability for:

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

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

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

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

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

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

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