

1-1 By: Ellis S.B. No. 1047
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 March 27, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 27, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1047 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to protecting state and local officers from certain
1-11 consequences based on their legislative actions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 572, Government Code, is
1-14 amended by adding Section 572.059 to read as follows:

1-15 Sec. 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS
1-16 ACTING IN LEGISLATIVE CAPACITY. (a) In this section, "legislative
1-17 measure" includes:

1-18 (1) a bill, resolution, order, or other proposal to
1-19 adopt, enact, amend, or repeal a statute, ordinance, rule, or
1-20 policy of general application;

1-21 (2) a proposal to adopt, enact, amend, or repeal, or to
1-22 grant a variance or other exception to, a zoning ordinance; or

1-23 (3) a proposed constitutional amendment or charter
1-24 amendment subject to a vote of the electorate.

1-25 (b) For purposes of Subsection (a), a measure that is
1-26 applicable to a class or subset of persons or matters that is
1-27 defined in general terms without naming the particular persons or
1-28 matters is a measure of general application.

1-29 (c) To protect the independence of state and local
1-30 legislative officers, a state or local officer, including any
1-31 elected or appointed officer, may not be subject to disciplinary
1-32 action or a sanction, penalty, disability, or liability for:

1-33 (1) an action permitted by law that the officer takes
1-34 in the officer's official capacity regarding a legislative measure;

1-35 (2) proposing, endorsing, or expressing support for or
1-36 opposition to a legislative measure or taking any action permitted
1-37 by law to support or oppose a legislative measure;

1-38 (3) the effect of a legislative measure or of a change
1-39 in law proposed by a legislative measure on any person; or

1-40 (4) a breach of duty, in connection with the member's
1-41 practice of or employment in a licensed or regulated profession or
1-42 occupation, to disclose to any person information, or to obtain a
1-43 waiver or consent from any person, regarding:

1-44 (A) the officer's actions relating to a
1-45 legislative measure; or

1-46 (B) the substance, effects, or potential effects
1-47 of a legislative measure.

1-48 SECTION 2. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2003.

1-53 * * * * *