

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 7, 2003

TO: Honorable Kenny Marchant, Chair, House Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB1047 by Ellis, Rodney (Relating to protecting state and local officers from certain consequences based on their legislative actions.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill adds Section 572.059 to the Government Code relating to the independence of state and local officers acting in their legislative capacity. An officer acts in a legislative capacity if the officer takes an action permitted by law regarding a legislative measure in the officer's official capacity; or proposes, endorses, or expresses support for or against a legislative measure or takes any action permitted by law to support or oppose a legislative measure. To protect the independence of state and local legislative officers, a state or local officer acting in a legislative capacity may not be subject to disciplinary action or a sanction, penalty, disability, or liability for that action in connection with the officer's practice of a licensed or regulated profession or occupation. The Committee Substitute adds "legislative measures" including bills, resolutions, orders or other proposals to adopt, enact, amend, or repeal a statute, ordinance, rule, or policy of general application; proposals to adopt, enact, amend, or grant a variance or other exception to a zoning ordinance; or a proposed constitutional amendment or charter amendment subject to a vote of the electorate.

The bill takes effect immediately if it receives a vote of two-thirds of all members of each house; otherwise it takes effect September 1, 2003.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 356 Texas Ethics Commission

LBB Staff: JK, RR, MS, BL, KG