

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 26, 2003

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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 Passed 2nd House**

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 bill 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 would prohibit a judge of a constitutional county court from entering a court appearance or signing court pleadings as an attorney in any matter before the court over which the judge presides or any court in the state over which the judge's court exercises appellate jurisdiction.

A county judge or county commissioner that has a substantial interest in a business entity and that, as a practicing attorney, has entered a court appearance or signed pleadings relating to that business must also comply with the restrictions of the proposed statute. Upon compliance, the county judge or commissioner may practice law in the courts located in the county where the county judge or commissioner serves.

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

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